

## Rounds, Laurie

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**From:** Phyllis Reeder [phyllis-reeder@iaswcd.org]  
**Sent:** Monday, November 05, 2001 4:57 PM  
**To:** coastal@dnr.state.in.us  
**Subject:** Support for Coastal Zone Management Program



Card for Phyllis  
Reeder

To: Laurie Rounds, Program Manager  
Lake Michigan Coastal Program Comments  
Indiana Department of Natural Resources  
402 West Washington Street, W264  
Indianapolis, IN 46204

From: Phyllis Reeder  
Administrator  
Lake County Soil and Water Conservation District  
928 South Court St., Suite C  
Crown Point, IN 43607

Date: November 5, 2001

Re: Support for Coastal Zone Management Program

The Lake County Soil and Water Conservation District supports Indiana's Lake Michigan Coastal Program, and requests full approval and implementation.

This program will benefit local agencies and organizations currently partnering to protect and enhance coastal resources.

Thanks for your attention.

**WRITTEN COMMENT #27:** Phyllis Reeder, Administration, Lake County Soil and Water  
Conservation District  
Nov. 5, 2001

**Response to Comments:**

Thank you for your comments. No written change required.

**Rounds, Laurie**

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**From:** Alan & Donna Resetar [resetar2@home.com]

**Sent:** Tuesday, November 06, 2001 12:56 AM

**To:** coastal@dnr.state.in.us

**Cc:** Alan Resetar

**Subject:** Comments on Lake Mich. Coastal Program

Laurie:

Here are my comments on the LMCP Document:

I support the proposed Indiana Lake Michigan Coastal Program. The Indiana Coastal Zone in Lake, Porter and LaPorte Counties is a biologically significant area despite its high degree of industrialization and urbanization. The ICZ is characterized by an exceptionally diverse flora and fauna due, in part, to the juxtaposition of significant North American habitats, the eastern deciduous forest and the tallgrass prairie. The effects of Pleistocene glaciation shaped the topography of the coastal zone and added to its biological and geological uniqueness.

The Indiana Coastal Zone is especially significant in terms of overall amphibian and reptile species diversity. In addition, several Indiana endangered and special concern species such as the Kirtland's snake (*Clonophis kirtlandii*) and the eastern massasauga rattlesnake (*Sistrurus c. catenatus*) are or have been found historically within the ICZ. Also significant are populations of polyploid ambystomatid salamanders (*Ambystoma* sp.), a unique color phase of the eastern garter snake (*Thamnophis s. sirtalis*) normally associated with Lake Erie's coastal wetlands and a population of Blanchard's cricket frog (*Acris crepitans blanchardi*) in Gary. Until the 1970's, the cricket frog was common in the Chicago region. It has since disappeared in the Chicago region (including all of Cook County, Illinois) with the exception of populations in Gary, near Elwood in western Will County, Illinois and in Berrien County, Michigan.

An effort should be made to survey and protect areas of geological significance as permanent geological study sites. Remnants of Pleistocene beach ridges or morainal formations that are not already safeguarded in existing preserves such as the National Lakeshore, State Nature Preserves and county parks should be preserved.

The cultural and historic preservation aspects of the Program are also important. It is imperative to preserve structures reflecting the industrial and cultural heritage of the ICZ.

I would also like to see the following category added to the "Criteria for Designation" for "Areas of high natural productivity or essential habitat for living resources..." on page 337.

*Man-altered sites that harbor one or more endangered species and/or unusually large numbers of individuals of common, native vertebrate species.*

The reason for this category is to protect sites that may be degraded from the standpoint of natural area classification but still sustain amphibians and reptiles. For example, the Kirtland's snake, an Indiana endangered species, can be quite common in selected urban vacant lot settings.

Sincerely,

Alan Resetar

482 Park Ave.

Valparaiso, IN 46385

11/6/2001

**WRITTEN COMMENT #28:** Alan and Donna Resetar

(due to time difference between Indianapolis and Northwest Indiana, this comment was sent on Nov. 5, 2001 although it was stamped Nov. 6, 2001)

Nov. 5, 2001

**Response to Comments:**

1. Comment regarding addition of new criteria, "Man-altered sites that harbor one or more endangered species and/or unusually large numbers of individuals of common, native vertebrate species" for the category: "Areas of high natural productivity or essential habitat for living resources..."

Thank you for your comment. No written change required.

Thank you for your comments concerning the high diversity of amphibians and reptiles in the coastal region. The standards of natural area classification will not be the sole determinate of Areas of Particular Concern for either category that addresses vertebrate species. For example, the category, "Areas of unique scarce, fragile, or vulnerable natural habitats" includes as a criteria for designation, "areas that contain assemblages of rare species including one or more species of plant or animal considered rare, special concern, or watch list". In addition, the criteria for designation in the category "Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, endangered species, and the various trophic levels in the food web critical to their well being" does not limit designation based on the standards of natural area classification nor on the presence of only rare wildlife species. Instead the criteria of both categories acknowledge that wildlife species may be located in areas of various levels of habitat quality and that it is important to identify those areas that are critical to the maintenance of an existing population. Therefore, sites that are critical to the maintenance of a population of amphibian and reptile species will not be excluded based on habitat quality and there is no need to add an additional criterion.

## **Rounds, Laurie**

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**From:** John and Elma Thiele [jhtjr@niia.net]  
**Sent:** Monday, November 05, 2001 9:42 PM  
**To:** coastal@dnr.state.in.us  
**Subject:** Coastal Program

November 5, 2001

Laurie Rounds, Program Manager  
Lake Michigan Coastal Program Comments  
Indiana Department of Natural Resources  
402 West Washington Street, Room W264  
Indianapolis, Indiana 46204

I would like to add my support to Indiana's Lake Michigan Coastal Program. Lake Michigan is a global treasure and the ability of Indiana to participate in federal Coastal Zone Management Program can encourage proper management of this treasure. Linkages to the other states participating in CZM can help to bring coordination to the management of Great Lakes Coasts.

It is exciting to see that the current proposal is based on existing laws and regulation and there is no need for additional laws and regulations. Northwest Indiana already has many partnerships among organizations and agencies. These partnerships could be further strengthened with the infusion of CZM funds. The focus on appropriate economic development in the coastal area can encourage the quality of our economy along with the quality of our environment.

I await full approval of the program and look forward to implementation of Indiana's Lake Michigan Coastal Program.

Sincerely,

Elma Thiele  
64 West Road  
Chesterton, IN 46304  
219-787-8983

**WRITTEN COMMENT #29:** John and Elma Thiele  
Nov. 5, 2001

**Response to Comments:**

Thank you for your comments. No written change required.

Shirley  
**HEINZE**  
ENVIRONMENTAL FUND

November 1, 2001

TRANSMITTED BY FAX AND REGULAR MAIL

Laurie Rounds  
Lake Michigan Coastal Program  
Department of Natural Resources  
402 W. Washington St., Room W264  
Indianapolis, IN 46204

Dear Ms. Rounds:

I am writing on behalf the Board of Trustees and staff of the Shirley Heinze Environmental Fund to offer our full support for the approval and implementation of Indiana's Lake Michigan Coastal Program.

The Heinze Fund is a land trust which has been working for 20 years to preserve and protect natural lands and endangered habitat in the Southern Lake Michigan Watershed, comprising portions of Lake, Porter and LaPorte Counties in Indiana. We have saved more than 700 acres of precious land in this area, and our greatest tool has been the ability to build partnerships with other non-profit groups, state, local and federal government agencies, and private corporations to help fulfill our mission. The Coastal Program will further enhance our efforts to achieve our goals.

It will be a pleasure to see Indiana joining other Great Lakes states in benefiting from this program, and I look forward to cooperative efforts with you and your staff to make it work for the people of Indiana.

Yours sincerely,



Ron Trigg  
Executive Director

Dedicated to the Preservation of Land in the Indiana Dunes since 1981

**WRITTEN COMMENT #30:** Ron Trigg, Executive Director, Shirley Heinze Environmental Fund  
Nov. 5, 2001

**Response to Comments:**

Thank you for your comments. No written change required.



Joan Wiseman, Esq.  
405 Hendricks Street  
Michigan City, IN 46360

November 2, 2001

Laurie Rounds, Program Manager  
Lake Michigan Coastal Program Comments  
Indiana Department of Natural Resources  
402 West Washington Street, Room W264  
Indianapolis, Indiana 46204  
via email and U.S. mail

Dear Ms. Rounds:

I write in strong support of Indiana's Lake Michigan Coastal Program. The coastal resources of Indiana's Lake Michigan are among the most rare and threatened in the entire nation. I support Indiana's participation in the federal Coastal Zone Management Program and point out that Indiana is one of only two eligible states not taking advantage of CZM. The program would add more than \$900,000 per year to manage our coastal resources. In addition, more money may be available through other sources for CZM states.

The current proposal is based on existing laws and regulation and there is no need for additional laws and regulations. The goal of developing partnerships with local agencies and organizations fit well with the increasing number of partnerships in Northwest Indiana working in cooperation to protect and enhance our coastal resources and working to improve our quality of life.

The program will also enhance the protection of important historic and cultural resources in the coastal area. In addition to protection, CZM promotes appropriate economic development, such as tourism, in the coastal area. This is vital to the future of Northwest Indiana as our economy diversifies.

I am an attorney, I have lived in the Northwest Indiana region all of my life, and I have personally worked on this program for more than five years. I was one of the original members of the focus groups held at Portage, Indiana in the NIRPC Building several years ago. Like many local folks, I have spent much volunteer time on this project that gives us hope.

Sincerely,  
Joan Wiseman  
219-874-6171



**WRITTEN COMMENT #31:** Joan Wiseman, Esq. (also received by e-mail)  
Nov. 5, 2001

**Response to comments:**

Thank you for your comments. No written change required.



# LAKE MICHIGAN FEDERATION

November 5, 2001

Ms. Lori Kaplan, Director  
Indiana Department of Natural Resources  
402 W. Washington Street  
Indianapolis, IN 46204

Re: Lake Michigan Federation Support for Indiana's Lake Michigan Coastal Program

Dear Ms. Kaplan:

The Lake Michigan Federation is pleased to support the Indiana Department of Natural Resources effort to participate in the Coastal Zone Management Program.

During these cooling economic times, adoption of the Lake Michigan Coastal Program (Program) will bring nearly \$1 million in federal support to enhance the state's ecology, economy, and recreational opportunities.

The Program is critical to the entire state for a number of reasons. First, with recent Lake Michigan Federation research showing a record high 92 beach closings along the Indiana coast during the official 2001 beach season, the Program offers a significant tool for protecting public health from the bacteria pollution – often the result of sewage and runoff flowing into the lake – that causes beaches to close.

Second, with the state having lost approximately 90 percent of its wetlands – areas critical for fish habitat and flood control to guard against property damage – the Program can help preserve what's left and restore some of what's been lost.

Third, the Program will enhance public access. We believe that public access to Lake Michigan will help save the ecosystem, not vice versa: if people get out to the lake, they'll enjoy it, and want to help protect it.

The Department clearly has spent considerable time and resources in preparing the Lake Michigan Coastal Program Document/Draft Environmental Impact Statement. We urge the Department to adopt the recommendations contained in our comments to further enhance its efforts.

Ms. Lori Kaplan  
November 5, 2001  
Page Two

This year the Federation released a study showing the public's willingness to pay \$3-5 billion over 10 years to preserve the biological health of the Southern Lake Michigan Coastal Zone. Additionally, recent research shows that beach closings can cause local communities to lose millions of dollars in tourism revenue. Against this backdrop, Indiana cannot afford to not invest in its own coastal health.

Should you have any comments about our comments, please do not hesitate to contact me at [cdavis@lakemichigan.org](mailto:cdavis@lakemichigan.org) or (312) 939-0838 x2.

Sincerely,



Cameron Davis  
Executive Director

Enclosure

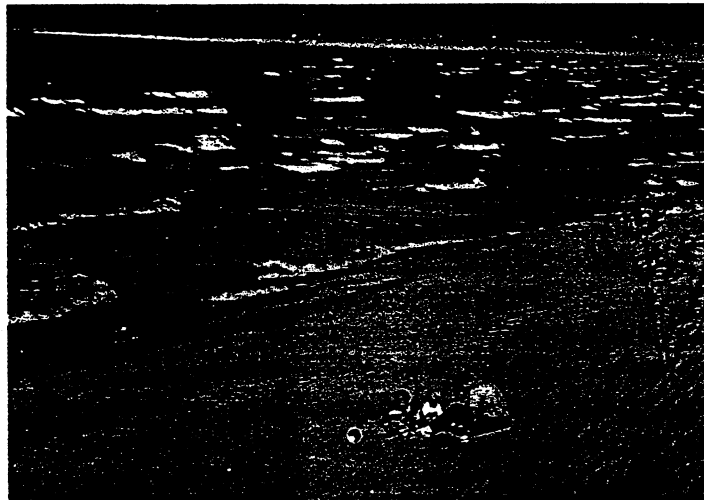
c: The Honorable Pete Visclosky  
Ms. Laurie Rounds, IDNR  
U.S. Fish & Wildlife Service  
NOAA



# LAKE MICHIGAN FEDERATION

## Enhancing the Economic & Ecological Vibrancy of Indiana's Lake Michigan Coast

### LAKE MICHIGAN FEDERATION COMMENTS ON THE INDIANA LAKE MICHIGAN COASTAL PROGRAM DOCUMENT & DRAFT ENVIRONMENTAL IMPACT STATEMENT



### Indiana's Program Participation Makes Economic & Ecological Sense

With these comments, the Lake Michigan Federation wholly supports the efforts of the Indiana Department of Natural Resources (IDNR) to adopt the Lake Michigan Coastal Program (LMCP). We urge approval by the National Oceanic and Atmospheric Administration (NOAA) pursuant to the federal Coastal Zone Management Act (CZMA).

The IDNR is to be commended for its effort to complete the Indiana Lake Michigan Coastal Program Document/Draft Environmental Impact Statement (P/DEIS). The effort to produce this document represents a significant investment of time by government officials and Indiana citizens alike.

Our support for Indiana participating as a member in the national coastal management program is based on several important facts.

First, the relationship established between Indiana and the federal government will be a partnership. Indiana will maintain full control over the management of its land, air and water resources while NOAA will provide: 1) significant funds to implement the LMCP,

and 2) additional coordination of many federal agencies, in the form of "federal consistency" under the CZMA. "Federal consistency" is a unique and powerful tool that provides Indiana with the authority to assert more control over the federal government. Federal consistency allows Indiana to ensure that most federal activities, licenses, permits, and financial assistance are consistent with the LMCP. In short, it assures Indiana citizens that federal agencies will not perform activities or take actions that might harm the resources or uses of the coastal area.

Second, the benefits to Indiana of having a coastal management program are clear. The LMCP will establish a comprehensive approach to ensuring that economic growth will continue while at the same time making sure that our precious coastal resources are protected, preserved and restored. Most importantly, the coastal program will improve the coordination of state agency decisions and resolve potential conflicts between state agencies. Additionally, current state funds will be matched with approximately \$900,000 of federal funds annually to enhance program activities of both state and local governments that affect coastal resources. A portion of those funds will also be used to implement the Coastal Grants Program. Third, the LCMP will not affect the current property rights of individuals or businesses. Fourth, the LCMP will establish a "networked" program that relies upon existing laws and programs without creating any new authorities to achieve its purpose.

Indiana will become the 34<sup>th</sup> state or territory to have a coastal program accepted by NOAA since passage of the CZMA in 1972. It would join two other major Lake Michigan states – Wisconsin and Michigan – by participating in the national coastal management program, which is completely voluntary and left to the discretion of the 35 eligible states and territories. The success of the unique partnership created by the CZMA is demonstrated by the fact that 33 states and territories are currently active members of the national program, and not a single one has ended its participation since joining.

In fact, several states and local governments recognize participation in the national coastal management program as the direct cause of strong coastal economies. In New York local communities have received additional funds and technical support to revitalize once decaying waterfront areas. In Massachusetts, the economic prosperity of coastal communities is linked to the development of proactive local harbor planning programs initiated through the state coastal program.

Indiana is potentially in an even stronger position to use the program to its economic advantage because of the enormous value of its existing resources. The Indiana Dunes National Lakeshore, for example, draws an estimated \$128 million in tourism revenue annually. Likewise, earlier this year, the Lake Michigan Federation released research showing a willingness to pay by the public between \$3 and \$5 billion over ten years for the preservation of the Southern Lake Michigan Coastal Zone, including Indiana. A copy



of the report, *The Natural Capital of the Southern Lake Michigan Coastal Zone: First Steps Towards an Economic Valuation*, is available online at [www.lakemichigan.org/habitat/value\\_index.asp](http://www.lakemichigan.org/habitat/value_index.asp).

Indiana must leverage these strengths further by participating in the program.

## Program Highlights

### Coastal Grants Program

We strongly support the proposal for LMCP to allocate a portion of the federal funds it receives to establish a Coastal Grants Program (CGP). The CGP will have three categories of grant projects: Coastal Natural Resources Protection and Restoration; Coastal Community Enhancement and Sustainability; and, Emerging Issues. A stakeholders advisory group will be formed to provide input for the CGP and the DNR. Funds will be provided through a competitive process based on predetermined guidance and public input, which is critical to the Lake Michigan Federation.

This proposal will offer many new opportunities for enhancing existing state efforts to manage the coastal area. Eligible activities will include projects that:

- Provide access to public beaches and other public coastal areas and waters;
- Prevent, remediate, or reduce polluted runoff that affects natural resources;
- Preserve or restore specific areas of the Coastal Program Area that are identified in the LMCP for their conservation or ecological values, or contain one or more coastal resources of state or national significance; and
- Maximize partnerships with public and private agencies.

These activities will only occur with the federal assistance being provided through the LMCP and are all good examples of the type of benefits Indiana will receive from the program.

### Habitat Protection and Restoration

We are pleased to see fish and wildlife habitat protection and restoration being addressed by the LMCP. Indiana has lost approximately 90 percent of its wetlands – marshes that provide habitat for wildlife and rare species while preventing flooding and,

therefore, property damage. As a result, an LMCP that takes steps to protect and restore sensitive coastal habitat is critical.

In addition to the new opportunities for habitat protection and restoration that will be provided by the CGP, there are several other important initiatives available in the LCMP. Specifically, the Coastal Areas of Significance initiative will bring heightened attention and protection to areas with special character. Coastal Areas of Significance will be prioritized within the CGP, and will receive more attention for interagency cooperation, technical assistance, and research and planning. The Coastal Areas of Significance will identify two categories for designation: *Areas of Particular Concern (APC)* and *Areas for Preservation and Restoration (APR)*. This is a very important program for the LMCP to advance as quickly as possible so that sensitive coastal habitat can be protected.

#### Public Access

The LMCP will use several of the existing state mechanisms that provide for the planning and protection of public access to significant coastal areas. LCMP funding can help enhance those existing efforts and focus more attention on coastal areas. In particular, the LCMP should ensure that public access to areas, which may involve or affect ecologically sensitive coastal resources, is provided in a way that does not cause degradation of those resources. The physical planning of public access areas as well as public education/outreach materials (e.g., signage, brochures) are examples of activities the LMCP can support.

In addition to the existing mechanisms for planning and protection of public access, the LCMP will use the process of APC and APR designation as a means to assess public beaches and other public areas for improving access. Improving public access will remain a high priority for those programs. The recent report prepared by the Epply Institute provides extensive information about the adequacy, and quality, of recreation and access within the Lake Michigan watershed. The report also discusses likely future trends, as well as many existing opportunities, for improving access for different purposes (lakeshore, boating, trails, underwater).

#### Water Quality & Beach Health

Lake Michigan's water quality continues to be of critical concern to the state and people of Indiana. Unfortunately, existing efforts in Indiana to prevent and control polluted runoff have been inadequate and Lake Michigan beach closings continue to be a common occurrence. We request the LMCP bring critical coordination and resources to solve this serious problem.





Enhancing the Economic & Ecological Vibrancy of Indiana's Lake Michigan Coast  
Comments by the Lake Michigan Federation

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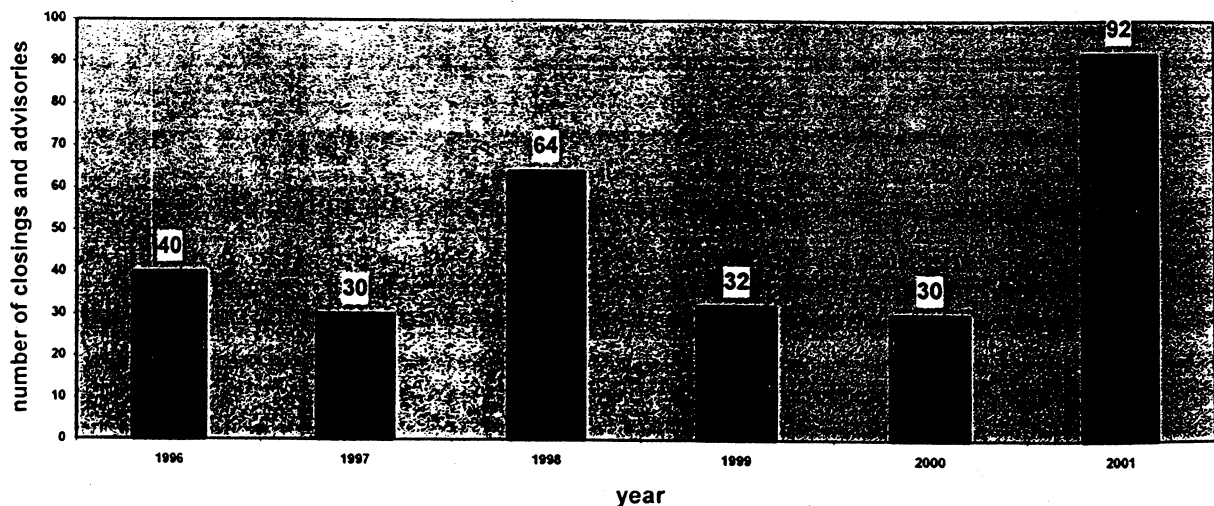
Fewer events show stress on waterways or threaten public health more than sewage that flows into the lake, causing beach closings. Contaminants such as pathogens, bacteria, and viruses usually enter the water with animal and human waste. A significant source of this contamination is from sewage overflows and polluted runoff coming from surface areas and contaminated groundwater.

Indiana in particular can experience these troublesome problems. Last year, more than 20 million gallons of untreated wastewater discharged to Salt Creek, through Burns Ditch and, ultimately, to Lake Michigan. Leaking septic systems exist in Northwest Indiana communities that allow waste to move easily through porous sand to enter local waterways. The results of these leaks and discharges can be devastating, as recent studies by Ohio State University show beach closings cause millions of dollars in economic losses to local communities.

Despite their importance to recreation and local economic health, however, Indiana's beaches are in enormous trouble.

Research released by the Lake Michigan Federation showed Indiana experienced a record high number of beach closings – 92 – during the official 2001 beach season. The next highest number of closings was in 1998, when the state experienced 64 closings. More information on Indiana beach closings is available online at: [www.lakemichigan.org/conservation/beach\\_health\\_index.asp](http://www.lakemichigan.org/conservation/beach_health_index.asp).

### Indiana Lake Michigan Beach Closings and Advisories



Source: Lake Michigan Federation, October 2001, based on reports from governmental records.



Indiana has used the provisions of the federal Clean Water Act to develop several mechanisms to address polluted runoff including a:

- Nonpoint Source Task Force;
- Unified Watershed Assessment; and
- Nonpoint Source Management Plan

We expect the LMCP will help provide additional support to protect the waters and beaches of Lake Michigan. In addition to more agency coordination, technical assistance and educational efforts, specific on-the-ground actions need to be taken to prevent and control polluted runoff.

The LCMP has several opportunities to make significant contributions to this effort. First, adequate funds should be provided through the Coastal Grants Program for NPS activities. Second, development of the Coastal Nonpoint Pollution Management Plan (CNPMP) should proceed immediately. The CNPMP will contain specific "management measures", or strategies, to prevent and control polluted runoff from a variety of sources. The CNPMP will supplement existing mechanisms already in place and will be a valuable addition to Indiana's ability to effectively protect Lake Michigan waters and beaches. We fully support the CNPMP and hope to participate in its development.

## Specific Comments

### Document Organization and Content

The P/DEIS is organized in a logical way to address specific requirements of the National Environmental Policy Act (NEPA) and the CZMA. The document is however, primarily a description of legal and procedural aspects of laws and programs, particularly in Chapter 5. The document lacks a meaningful discussion of what various programs actually do, and most importantly, how they will be enhanced by the LMCP, particularly with additional staff and funds. It would be helpful to include brief descriptions of those aspects of the programs that will most likely be focused on initially for additional support by the LMCP. This comment is particularly important because Indiana citizens deserve to understand how valuable this program will be to them.

### Coastal Program Network

The LMCP should state a simple goal for each of the issue-areas to help individuals understand what is expected for that issue-area, starting with the eight LMCP "goals"



identified in Chapter 1 (page 27). Somewhere the relationship between the goals and the issue-areas needs to be explained.

Indiana has chosen to develop the LMCP based on existing policies and laws that address land and water uses and resource protection. Through this approach Indiana will create a "networked" program among the numerous state and local entities that are responsible for managing resources in the coastal zone. The framework set forth by the LMCP will link existing agencies and laws into a comprehensive system, with the IDNR acting as the lead agency. We support the concept of a networked program for Indiana and making better use of existing laws and programs. The network approach will also foster more cooperation, consistency and partnerships among state and local entities.

The success of a networked program relies heavily on coordination mechanisms to implement the framework. The P/DEIS discusses the importance of coordination among state agencies and indicates that the LMCP will use a variety of existing agreements, boards and commissions to ensure state actions are consistent with the program, resolve conflicts and provide public participation. Of particular importance will be the *Memorandum of Understanding Concerning Permit Coordination For The Departments of Natural Resources and Environmental Management*. This MOU will be a core agreement for the LMCP to use to ensure the coordinated administration of the State's regulatory programs, as discussed in Chapter 4. The technical workgroup established by the MOU will undertake a number of activities and the LMCP should provide support for that effort.

To ensure the program is understood beyond the LMCP, certain simple steps must be taken. Networked programs, with so many different laws and programs being involved, often tend to be confusing to most individuals. The P/DEIS (Chapter 5) provides a summary of the numerous laws and programs grouped according to 10 issue-areas that were identified through the public process. The 10 issue-areas essentially become the LCMP "policies" that the laws and programs will implement.

### Boundary

The lakeward boundary of the Coastal Program Area is identified as the jurisdictional borders that Indiana shares with Illinois and Michigan. We support this boundary.

As stated on page 14 of the P/DEIS... "the inland extent of the boundary is based on the natural watershed boundary...". However, in order to have a boundary that is more easily identifiable, the watershed boundary was modified to define a program boundary based on the U.S. Public Land System, Township Sections, and major roads. It is unclear how much the modified boundary differs from the watershed boundary. Figure 3.3 should be clarified to show the watershed boundary as well as the proposed

boundary. Although it is helpful to have a boundary that can be easily identified, we believe that it is extremely important for the LMCP to have the ability to work within the entire watershed area. This will be critical for the program to adequately address water quality issues, particularly polluted runoff.

#### Federal Agency Coordination

Pursuant to the CZMA, the boundary of the LMCP must exclude federally owned or leased lands, even though those federal agencies are still subject to the Federal Consistency requirements of the Act. The fact that federal lands are excluded from the LMCP is of concern. The Indiana Dunes National Lakeshore, administered by the National Park Service (NPS), represents a significant portion of the Indiana shorefront with substantial biological resources. For example, the park ranks 7th among national parks in native plant diversity. Research shows that nearly 100 vascular plant species within park boundaries are on Indiana's threatened or endangered list. For these reasons we strongly urge that the LMCP act proactively and establish a coordination mechanism with the NPS early in the LMCP so as to avoid conflict later. It would actually be beneficial to create that mechanism as part of the final stage of program development to ensure it happens.

### **About the Lake Michigan Federation**

Formed in 1970, the Lake Michigan Federation is the oldest citizens' Great Lakes organization in North America. Our mission is to restore habitat, conserve land and water, and eliminate pollution in watershed of the largest lake within U.S. borders. We achieve these through education, research, law, science, economics, and strategic partnerships. Indiana's participation in the program is critical to the overall health of the Lake Michigan ecosystem.

These comments were prepared with the assistance of Jeffrey R. Benoit, who from 1993 to 2001 served as director of NOAA's Office of Ocean & Coastal Management in charge of all Coastal Zone Management aspects. Prior to that position, he served as director of Massachusetts' coastal zone program.

### **Conclusion**

Over the next 100 years, the Great Lakes – with nearly 20 percent of the fresh surface water on Earth, where such water is in increasing demand – are likely to become a more valued asset. With the incorporation of the above comments, Indiana can anticipate the economic, recreational, and ecological benefits of the next century by adopting the program.

**Response to Comments:**

1. Comment regarding "Document Organization and Content" and those aspects of the program that will most likely be focused on initially.

Thank you for your comment. No written change required.

During the initial stages of implementation of the LMCP, the program will focus on establishing the Coastal Grants Program, the development of the Coastal Nonpoint Pollution Management Plan, and establishing the process for consistency review and coordination. These activities will enhance both state and local programs to conserve natural and cultural resources in the Coastal Program Area.

The LMCP will develop a process for forming a stakeholders advisory group to provide input on the Coastal Grants Program. Additionally, the LMCP will develop support materials for the stakeholders advisory group and begin planning for group meetings. The LMCP will also establish the administrative structure necessary to implement the Coastal Grants Program. This will involve planning for public input meetings in Northwest Indiana, developing grant guidance material, grant agreement forms, and other support materials to hold an annual competitive grants program.

The LMCP will have 30 months upon final approval of the program to develop the Coastal Nonpoint Pollution Management Plan. As discussed in Chapter 14: Nonpoint Source Pollution, the LMCP will work with the DNR Division of Soil Conservation, IDEM, and other stakeholders such as soil and water conservation districts, local agencies, federal agencies, and nonprofit organizations to identify strategies and coordinate public participation in plan development. The Coastal Nonpoint Pollution Management Plan will identify sources of pollution that may contribute significantly to the degradation of coastal waters; critical coastal areas; management measures and existing state laws that address sources of pollution; technical assistance programs; and methods to improve coordination among agencies. The plan will also develop, with public participation, goals for reducing and mitigating the impacts of nonpoint pollution on coastal water quality.

The LMCP will establish a process to coordinate with the Coastal Program Network. The LMCP will provide members of the network with the final program document, supporting materials with information about the program's organization and implementation, and begin discussion of establishing coordination efforts. The LMCP will also develop guidance information for the process of federal consistency review. This will include providing federal agencies with information about the implementation of the federal consistency review process. The LMCP will also work with state agencies to establish the process of conducting consistency reviews and providing public notification of those reviews.

2. Comment regarding "Coastal Program Network" and the relationship between goals and the issue-areas of Chapter 5.

Thank you for your comment. No written change required.

The LMCP discusses 10 issue-areas that were identified as important by the Northwest Indiana Public Workgroups. For each of these issue-areas, the LMCP identified activities, currently managed by state laws, which impact coastal resources. It is through the programs that address these managed activities that the State seeks to manage natural and cultural resources. Because the LMCP is a networked program based on Indiana's existing state laws, the laws and programs outlined in Chapter 5 will provide a

framework for the LMCP to achieve its goals. The following table shows specific activities, as discussed in Chapter 5: Existing Management Authorities, whose management and implementation define the relationship between the issue-areas and the goals of the LMCP, listed on page 27 of the P/DEIS.

3. Comment regarding "Boundary".

Thank you for your comment. Change noted.

The LMCP is based on the watershed approach. The program boundary was modified in order for it to be easily identifiable. However, the Coastal Program Area predominately encompasses the watershed as defined by the U.S. Geological Survey and critical areas that historically drained into Indiana's portion of Lake Michigan. A watershed map with the inland boundary was added to Chapter 3: The Coastal Program Area of the P/FEIS.

4. Comment regarding "Federal Agency Coordination".

Thank you for your comment. No written change required.

The Indiana Dunes National Lakeshore is a significant partner in the protection and management of coastal resources in Northwest Indiana. However, as you mentioned in your comments, the CZMA requires that state coastal programs exclude federal properties from their programs. The CZMA would need to be amended to either incorporate the Indiana Dunes National Lakeshore into the LMCP or to require federal properties to coordinate activities conducted on federal lands with the LMCP. The National Park Service is required to comply with the provisions of federal consistency as outlined in Chapter 11.

The DNR and the Indiana Dunes National Lakeshore currently have a good working relationship. The Indiana Dunes State Park coordinates closely and participates in resource management projects with the staff of the Indiana Dunes National Lakeshore. In addition, the Divisions of Nature Preserves and Fish and Wildlife coordinate with the Lakeshore on resource management issues. The relationship between the LMCP and the Indiana Dunes National Lakeshore will continue to develop and methods of working together will be identified as the program develops.

The following table shows specific activities, as discussed in Chapter 5: Existing Management Authorities, whose regulation, management and implementation define the relationship between the issue-areas and the goals of the LMCP:

Procedural Frame-work	Coastal Hazards	Water Quality	Water Quantity	Natural Areas, Fisheries, Wildlife, Native & Exotic Species	Recreation Access, and Cultural Resources	Economic Development	Pollution Prevention Recycling Reuse, and Waste Management	Air Quality	Property Rights
Civil & Criminal enforcement	Delineating navigable waters	Processes, or systems, or practices that result in water quality degradation	Construction of flood control works, structures, alteration of waterways	Filling, dredging, and alteration of wetlands and special aquatic sites	Development of public park and recreation areas	Ports and adjacent development, maintenance, and expansion	Storage, handling, disposal and transportation of solid and hazardous wastes	Any process, or system, or practice that may be source of air pollution	Property taken for a public use: Just compensation
Pre-permit hearings	Construction along Lake Michigan and other navigable waters	Activities involving public water supplies	Construction activities within floodplains	Activities affecting natural areas, nature preserves, wildlife habitat, fish habitat, and areas of exceptional ecological significance	Development of public hunting and fishing areas	Siting and developing major energy facilities	Cleanup of unregulated hazardous waste disposal sites		Relocation assistance due to a public project
Administrative adjudication		Activities causing nonpoint source pollution	Reconstruction and maintenance of drains	Hunting, fishing, trapping, and related activities	Preservation of archeological and historical sites	Storing and transporting energy resources	Underground storage tanks		"Takings" analysis for new rules
Informal dispute resolution		Activities affecting ground water	Construction and maintenance of dams, levees, and dikes	Activities affecting fish and wildlife habitat areas		Planning, constructing, and maintaining transportation facilities	Pollution prevention, recycling, and reuse practices		Trespass

Procedural Frame-work	Coastal Hazards	Water Quality	Water Quantity	Natural Areas, Fisheries, Wildlife, Native & Exotic Species	Recreation Access, and Cultural Resources	Economic Development	Pollution Prevention Recycling Reuse, and Waste Management	Air Quality	Property Rights
Rules			Diverting water outside the Great Lakes Basin in Indiana	Activities affecting fish and wildlife		Brownfield redevelopment and associated remediation			Litter and trash
Nonrule policy documents			Water withdrawal	Activities affecting rare and endangered species					
Ordinances			Review of proposed Conservancy Districts	Introduction and propagation of exotic species					
Public access to agency records & meetings									
Other environmental review procedures									



November 5, 2001

To: Laurie Rounds

From: Herbert P. Read, President  
Porter County Chapter, Izaak Walton League of America  
1453 North Tremont Road, Chesterton, IN 46304

Re: Indiana's Lake Michigan Coastal Program

This written communication is intended to clarify and enlarge upon my comments made at the public meeting held in Portage, Indiana October 4, 2001 on the Coastal Program.

The Izaak Walton League of America is a nationwide conservation "grass roots" organization, founded in 1922, with state divisions and local chapters. The Porter County Chapter was founded in 1959, and is nonpartisan, not-for-profit, incorporated in the State of Indiana and classified as 501 (C) (3). We have ten regularly scheduled meetings a year with environmentally oriented programs to educate our members. The public is also invited to attend these programs.

We also send representatives to the state and national League meetings and several of our members also serve on the League's state and national committees. Our chapter is financed entirely by membership dues, donations and interest from CDs. We were active in the establishment of the Indiana Dunes National Lakeshore and its subsequent enlargement. We have also been supporters of the Porter County Park System. In fact, it was one of our late members who donated the land for Porter County's first county park.

We regard open space protection as a high priority for Porter County and preservation of shorelines to be a critical part of natural resource management. In addition to our yearly activities, we own about six acres of duneland which will ultimately be acquired by the National Park

Service. We also own wetlands and wooded acres which we intend to preserve.

We fully support the Indiana Lake Michigan Coastal Program. We further believe that with our chapter's 42-year record of natural resource protection that we have earned the right to be a "stakeholder" in the proposed program. We have demonstrated our willingness to work with our county officials, particularly the County Park Board in furthering a variety of environmental objectives.

We also support the inclusion of the shorelines of the rivers and streams which are tributary to Lake Michigan. The environmental integrity of both the Lake and the tributary waterways are interdependent.

Another organization which deserves recognition for its outstanding environmental contributions is the Coffee Creek Watershed Conservancy, which owns about 175 acres along both banks of Coffee Creek, the waters of which ultimately drain into Lake Michigan.

We regard the Indiana Lake Michigan Coastal Program as a great opportunity to improve the life of the people living in Northwest Indiana.

**WRITTEN COMMENT #33:** Herbert P. Read, President, Porter County Chapter, Izaak Walton League of America  
Nov. 7, 2001 (letter postmarked Nov. 5, 2001)

**Response to Comments:**

Thank you for your comments. No written change required.

1602 Michigan Avenue  
LaPorte, Indiana 46350-5214  
November 3, 2001

Laurie Rounds, Program Manager  
Lake Michigan Coastal Program Comments  
Indiana Department of Natural Resources  
402 West Washington Street, Room W264  
Indianapolis, Indiana 46204

Dear Ms Rounds:

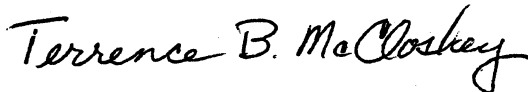
We have reviewed the Lake Michigan Coastal Program document and draft environmental impact statement. We support Indiana's participation in the federal Coastal Zone Management Program, although we continue to believe that the Valparaiso and LaPorte lakes should be included in the program boundaries. It makes as much sense to include them as it does to include Hart Ditch and the portion of the Little Calumet River that now are artificially drained to the Illinois River system. The lakes were included in the U.S. Environmental Protection Agency's Advanced Identification of Wetlands (ADID) study of the Lake Michigan Drainage of Lake, Porter, and LaPorte Counties, and they should be included in the LMCP since they are hydrologically connected to the Great Lakes Basin through groundwater and because their water quality and aquatic habitat can benefit from being in the program.

The current proposal is based on existing laws and regulations and there is no need for additional laws and regulations. The goal of developing partnerships with local agencies and organizations fits well with the increasing number of partnerships in Northwest Indiana working in cooperation to protect and enhance our coastal resources and to improve our quality of life. We believe that the objections that were raised concerning the CZM program in 1995 have been adequately addressed – it is not “zoning” program and will not take away private property.

The program will also enhance the protection of important historic and cultural resources in the coastal area. In addition to protection, CZM promotes appropriate economic development, such as tourism, in the coastal area. This is vital to the future of Northwest Indiana as our economy diversifies.

We await full approval of the program and look forward to implementation of Indiana's Lake Michigan Coastal Program.

Sincerely,



Terrence B. McCloskey

**WRITTEN COMMENT #34:** Elizabeth and Terrence McCloskey  
(letter postmarked Nov. 5, 2001)  
Nov. 8, 2001

**Response to Comments:**

1. Comment concerning inclusion of Valparaiso and LaPorte lakes.

Thank you for your comments. No written change required.

The inland boundary for the LMCP was based on surface water drainage to Indiana's portion of Lake Michigan. The diverted segments of the Grand Calumet River and Little Calumet River historically drained through surface waters into Lake Michigan. Today, these river segments still have a direct and substantial impact on the quality of Lake Michigan. Although efforts were made to divert all surface water flow of these river segments from the Lake Michigan drainage basin, water flows have been documented in both directions depending on several environmental conditions. In addition to variable water flows, movement of aquatic species has been documented from these river segments into the remaining portions of the rivers.

The lakes near the city of LaPorte are not within the current Lake Michigan surface water drainage basin, nor is it likely that they were historically part of the drainage basin. There is less known about the historical surface water flow of the all the lakes near the city of Valparaiso. Although these lakes are connected to the Lake Michigan basin through ground water, the current surface water flow is towards the Kankakee watershed. The limited resources available to the LMCP necessitates that the program be restricted to those areas with significant effects on the watershed of the coastal region. Therefore, although the Valparaiso and LaPorte Lakes are important natural resources, they were not included in the LMCP.

1453 North Tremont Road  
Chesterton, IN 46304  
November 5, 2001

Ms. Laurie Rounds, Program Manager  
Attn:Lake Michigan Coastal Program Comments  
Indiana Department of Natural Resources  
402 West Washington Street, Room W 264  
Indianapolis, IN 46204

Dear Ms. Rounds:

As stated previously in public and at this year's public meetings, I strongly support the Indiana Lake Michigan Coastal Program. I have attended the public meeting held in Portage, Indiana earlier this summer and the information session held at the Indiana Dunes State Park in October. I have also seen how this program has changed and improved from two previous attempts to establish a program to protect and managed Indiana's priceless Lake Michigan coastal resources.

I appreciate the fact that the current proposal is based on existing Indiana laws and regulations, which means that there is no need for additional laws and regulations to be enacted. It also builds upon our region's existing partnerships and coalitions to protect and enhance our coastal resources.

For the benefit of the Northwest Indiana environment and its economy, I believe it is both desirable from a resource protection standpoint and imperative from an economic standpoint for Indiana to move forward with this program. In my opinion, it is also desirable that all the program staff be based in Northwest Indiana for administrative efficiency and for easy access to the public.

We believe that this program offers the possibility of restoration of damaged coastal resources, rehabilitation of legacy sites, improved access to our invaluable Lake Michigan shoreline, resulting in an improved quality of life.

Sincerely,

*Charlotte J. Read*

Charlotte J. Read

**WRITTEN COMMENT #35:** Charlotte J. Read  
(letter postmarked Nov. 5, 2001)  
Nov. 8, 2001

**Response to Comments:**

Thank you for your comments. No written change required.

November 1, 2001

Laurie Rounds, Program Manager  
Lake Michigan Coastal Program Comments  
Indiana Department of Natural Resources  
402 W. Washington St., Room W264  
Indianapolis, IN 46204

Dear Ms. Rounds:

I am writing to express the Hoosier Environmental Council's (HEC) support of Indiana's Lake Michigan Coastal Program. The Lake Michigan Shoreline in Indiana is a unique and rare ecosystem and deserves the special attention of the state. Furthermore, Indiana's participation in the federal Coastal Zone Management Program would provide much-needed capital to manage our coastal resources.

I am particularly supportive of the fact that the Lake Michigan Coastal Program incorporates a watershed approach that will harness the resources of federal, state and local government as well as private citizens and individuals. There is a growing number of organizations in Northwest Indiana that are interested in protecting the coastal area, and it makes sense to involve all stakeholders in the process.

The program will also enhance the protection of important historic and cultural resources in the coastal area. In addition to protection, CZM promotes appropriate economic development, such as tourism, in the coastal area. This is vital to the future of Northwest Indiana as its economy diversifies.

HEC awaits full approval of the program and looks forward to implementation of Indiana's Lake Michigan Coastal Program.

Sincerely,

Andi Wininger  
Watershed Specialist  
Hoosier Environmental Council



**WRITTEN COMMENT #36:** Andi Winninger, Watershed Specialist, Hoosier Environmental Council  
Nov. 8, 2001

**Response to Comments:**

Thank you for your comments. No written change required.



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**LaPorte County Soil and Water Conservation District**  
100 Legacy Plaza W. - LaPorte, IN 46350-5254 - Phone (219) 362-6633

November 6, 2001

Laurie Rounds, Program Manager  
Lake Michigan Coastal Program  
Indiana Department of Natural Resources  
402 W. Washington Street, Room W264  
Indianapolis, Indiana 46204

Dear Ms. Rounds,

The LaPorte County Soil and Water Conservation District is a legal subdivision of state government and is responsible for leadership in the conservation of soil, water, and related natural resources. The district seeks to provide for the understanding, use, conservation, development, and improvement of all natural resources. In doing so, resources can better serve more people now and in the future, the county economy will be strengthened and quality of life improved.

The LaPorte Soil and Water Conservation District recognizes the importance of the Lake Michigan watershed and is in full support of the efforts of the Lake Michigan Coastal Program. We are more than willing to assist with planning or implementing any future proposals.

Sincerely,

John Coulter, Chairman  
Board of Supervisors

**WRITTEN COMMENT #37:** John Coulter, Chairman, Board of Supervisors, LaPorte County Soil and Water Conservation District  
Nov. 8, 2001

**Response to Comments:**

Thank you for your comments. No written change required.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

In Reply Refer To:  
ER 01/874

NOV 5 2001

Mr. John King  
Chief, Coastal Programs Division  
National Oceanic and Atmospheric Administration  
SSMC4, Room 11537  
1305 East-West Highway  
Silver Spring, Maryland 20910

Dear Mr. King:

As requested by the National Oceanic and Atmospheric Administration (NOAA) and the Indiana Department of Natural Resources, the U.S. Department of the Interior has reviewed the September 2001 Program Document and Draft Environmental Impact Statement (EIS) (combined document) for the Indiana Lake Michigan Coastal Program (LMCP), Lake, Porter, and LaPorte Counties. We offer the following comments and recommendations for your consideration.

## GENERAL COMMENTS

This Draft EIS describes plans of the State of Indiana to develop the LMCP, which would qualify them for Federal funding through Section 306 of the Coastal Zone Management Act. The Draft EIS lacks land-use, water-quality, water-quantity, shoreline change, and lake hydrodynamic information, which are essential to the Draft EIS.

Part II, Chapter 2 (**Current Land Uses**) discusses the environment and current land uses in the coastal area, including various environmental perturbations. The Indiana Harbor Ship Canal in East Chicago, Lake County, has long been polluted with petroleum products, a situation that continues to this day. However, the only mention of problems associated with petroleum products is the acknowledgment that 9 to 10 million or more gallons of oil are floating on groundwater under the BP-Amoco refinery in Whiting but that this product is confined to the BP-Amoco property. Although BP-Amoco has been working to contain this underground pollution and recover the oil, this is not the only source of petroleum products floating on the groundwater and/or leaking to surface water, particularly in the Indiana Harbor Ship Canal. Petroleum products are leaking into the surface water through bulkheads along the main Canal and its Lake George Branch from properties where other refineries were previously located. This oil is a major concern to biologists because of its effects on avian wildlife and the species that prey upon

them, such as the peregrine falcon, a pair of which has nested along the Canal since 1989. Information on the oil problem in the Ship Canal can be found in the U.S. Fish and Wildlife Service's (FWS) May 21, 1996, Biological Opinion regarding the effects of the Indiana Harbor and Ship Canal maintenance dredging on the peregrine falcon and in the September 16, 1996, Final Fish and Wildlife Coordination Act Report on the dredging project. Both documents are available from the FWS's Bloomington, Indiana, Ecological Services Field Office.

Part III (page 475) of the combined document lists the current federally threatened or endangered species found within the Indiana Lake Michigan coastal zone. A candidate species, the Eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*), which is found in Porter and LaPorte Counties within the coastal zone, should be included on the list. Candidate species are those for which sufficient information on their biological status exists to warrant listing but for which listing has not yet occurred. The last sentence in the last paragraph on page 475 should be amended to indicate that the designated critical habitat for the endangered piping plover also includes the beach of the Indiana Dunes State Park.

The combined document contains only one sentence relating to consideration of the Endangered Species Act of 1973 (ESA), as amended, in the Coastal Zone Management (CZM) program. The response (Part II, Chapter 15) to the Department's letter of August 13, 2001, on the scoping document indicates that "... the DNR and NOAA will coordinate any projects or grant awards for the LMCP that might require consideration under the ESA." We believe that approval of the LMCP, as well as the awarding of funds under Sections 306 and 309 of the CZM Act, are actions that may be subject to the requirements of the ESA. Accordingly, the FWS will be contacting NOAA to discuss the need for further consultation to ensure that the requirements of section 7(a)(2) of the ESA are fully met.

## **SPECIFIC COMMENTS**

**Part II, Chapter 2, Page 45: Indiana's Lake Michigan Coastal Region, Subsection Current Land Uses:** This section briefly describes current land use. A land-use map of the LMCP area would provide essential, synoptic information to evaluate the proposed LMCP and to formulate future plans and projects. A land-use map of the LMCP area should be included in the Draft EIS.

**Part II, Chapter 5, Page 116: Existing Management Authorities, Section 5-3 Water Quality:** The Draft EIS thoroughly discusses water quality regulations that are in place in the LMCP area but does not provide any actual water quality data and analysis. Without this basic water-quality information, it is not possible to know current environmental conditions, the effectiveness of current environmental regulations, or possible impacts of the proposed LMCP. The Draft EIS should include a summary of current water quality conditions of rivers, inland lakes, and other water bodies in the nearshore zone of Lake Michigan. The Draft EIS should also include graphs that show the change over time of water quality indicators, such as nitrogen, phosphorous, total dissolved solids, fecal coliform, and fecal streptococcus.

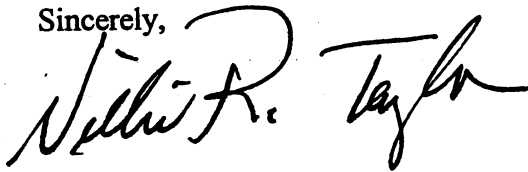
**Part II, Chapter 5, Page 147 : Existing Management Authorities, Section 5-4 Water Quantity:** This section discusses past and present water resource management but does not provide any surface or groundwater data and analysis. Without this basic hydrologic information, it is not possible to evaluate current environmental conditions, the effectiveness of current water resource management in promoting environmental health of Lake Michigan, or possible impacts of the proposed LMCP. The Draft EIS should include a summary of current surface and groundwater conditions; this summary should contain discharge hydrographs of major rivers, stage hydrographs of Lake Michigan and other major lakes, and basic groundwater information (principal recharge and discharge areas). Furthermore, the Draft EIS should include statistics that summarize consumption and use of surface and groundwater, identify major sources of surface and groundwater for consumption and use, and estimate future trends in consumption and use of water.

**Part II, Chapter 10, Page 372-373: Shoreline Erosion and Mitigation Planning, Figures 10-4 and 10-5:** The maps and explanations do not distinguish among the four categories of shoreline types -- armored, high dune and bluff, intermediate dune and bluff, and low dune and bluff. The maps and explanations should be modified by using different patterns to distinguish these different shoreline types. The same type of problem applies to figure 10-2 on Page 370.

**Part II, Chapter 10, Page 377: Shoreline Erosion and Mitigation Planning, Subsection Assessment of the Effects of Shoreline Erosion:** This section briefly discusses shoreline change and erosion. A map showing shoreline change over time is essential for evaluating the proposed LMCP and formulating future plans and projects. A shoreline change map of the LMCP area should be included in the Draft EIS. The Draft EIS should also include data and analysis of the wave and current regime of Lake Michigan. This discussion should address the strength of waves and currents (wave height and frequency, current velocity) during major storm events and the impact of these storm events on the Lake Michigan shoreline. The information is essential to evaluate current coastal protection and enhancement measures and the possible impacts of the proposed LMCP.

Thank you for the opportunity to review and comment on this Draft EIS. We appreciate the opportunity to provide these comments. Should you have any questions, please contact Ken Havran in the Office of Environmental Policy and Compliance at (202) 208-7116.

Sincerely,

A handwritten signature in black ink, reading "Willie R. Taylor". The signature is fluid and cursive, with the first name "Willie" and last name "Taylor" clearly legible.

Willie R. Taylor  
Director  
Office of Environmental Policy  
and Compliance

**WRITTEN COMMENT #38:** Willie R. Taylor, Director, Office of Environmental Policy and Compliance,  
Department of Interior  
Nov. 9, 2001

**Response to Comments:**

1. Comment regarding petroleum products floating on the groundwater and/or leading to surface water, particularly in the Indiana Harbor Ship Canal.

Thank you for your comments. Change noted.

The LMCP recognizes the hazards to fish and wildlife created by floating and leaking petroleum products in northwest Indiana. Language reflecting that hazard was added to Chapter 2 of the P/FEIS in the section "Coastal Economy".

2. Comment regarding candidate species under the Endangered Species Act and piping plover critical habitat area.

Thank you for your comments. Change noted.

Identification of the Eastern massasauga rattlesnake as a candidate species under the Endangered Species Act was added in Section III of the P/FEIS under "Wildlife and Terrestrial Habitat". In addition, a detailed description of the piping plover critical habitat area in Indiana was added to the same section, as well as to Chapter 8: Coastal Areas of Significance, under the section, "Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, endangered species, and the various trophic levels in the food web critical to their well-being".

3. Comment regarding requirements of section 7(a)(2) of the Endangered Species Act and approval of the LMCP.

The NOAA and DNR worked with the Indiana Bloomington Field Office for the FWS to discuss the requirement of section 7 (a)(2) of the Endangered Species Act. Based on correspondence date January 25, 2002 from the Indiana Field Supervisor, the FWS concurs that NOAA approval of the LMCP is not likely to adversely affect federally listed species or designated critical habitat based on the environmental review process detailed in the program document and the commitment of the NOAA and DNR to meet the following guidelines:

1. If a 306(A) project(s) requires the removal of trees that are greater than five (5) inches diameter-at-breast height (dbh), they will be cut down/cleared outside of the Indiana bat (*Myotis sodalis*) maternity season (i.e. no tree cutting will occur from April 15 through September 15). If a 306(A) project requires an exception to this condition, the Department of Natural Resources will initiate early consultation with the U.S. Fish and Wildlife Service, Bloomington Field Station.
2. If an eligible project(s) occurs within the 7.9 km of Lake Michigan shoreline designated as critical habitat for the endangered piping plover (*Charadrius melodus*) in Porter County (5.0 km within the Indiana Dunes State Park where the primary constituent elements are present and 2.9 km within the Indiana Dunes National Lakeshore), the Department of Natural Resources will enter into early consultation with the U.S. Fish and Wildlife Service, Bloomington Field Station. Any project

determined by the Department of Natural Resources or the U.S. Fish and Wildlife Service to have adverse effects to the critical habitat will not be funded.

4. Comment regarding current land use.

Thank you for your comments. Change noted.

A map depicting the latest available land use (1990) for the coastal region was added to Chapter 2: Indiana's Lake Michigan Coastal Region.

5. Comment regarding water quality data and analysis.

Thank you for your comments. Change noted.

The purpose of the P/DEIS was to document how Indiana meets the requirements of the CZMA and to detail the organization and purpose of the program. Similar water quality data and analysis discussed in this comment has been conducted by the State of Indiana; however, it was not included in the P/DEIS because it is not relevant to the document's purpose. Chapter 5: Existing Management Authorities does detail state water quality standards, based on the state's responsibilities to implement the federal Clean Water Act, Safe Drinking Water Act, and the Great Lakes Water Quality Guidance of the Great Lakes Initiative, which the State of Indiana utilizes to protect state waters.

The purpose of Chapter 5 is to detail Indiana's management authorities for specific managed activities, and does not describe environmental quality. Other sections of the P/DEIS discussed water quality and the current conditions of water bodies in the coastal region. The P/DEIS and P/FEIS include the current condition of major water bodies in the coastal region in Part III, Section C under "Water Quality". This section also lists the portions of rivers listed as impaired for the 303(d) Report. This section identifies 303(d) impaired water bodies, locations of fish consumption advisories (all tributaries and Indiana's portion of Lake Michigan), the location of Indiana's Area of Concern as identified by the International Joint Commission, the listing of this watershed as a priority watershed under the EPA Unified Watershed Assessment program, groundwater quality, and *E. coli* level exceedances on the shoreline.

Additions to the P/FEIS were made in Part III, "Environmental Quality". Lakes on the 303(d) list and lakes with fish consumption advisories were added to this section.

6. Comment regarding water quantity data and analysis.

Thank you for your comments. No written change required.

Similar water quantity data and analysis discussed in this comment has been conducted by the State of Indiana; however, it was not included in the P/DEIS because it is not relevant to the document's purpose.

The P/DEIS did discuss the water usage in coastal region in Part III, Section C on page 478. This section also lists major types and the number of registered significant water withdrawal facilities in the coastal region. In addition, the P/DEIS discussed ground water and recharge areas in Chapter 8 page 338. As noted in the chapter, the LMCP will develop maps of the hydrogeologic terrains that are most likely to serve as recharge areas utilizing the work in the *Atlas of Hydrogeologic Terrains and Settings of Indiana*; however the inclusion of these maps is not relevant to the purpose of the P/DEIS.



7. Comment regarding shoreline erosion maps in Chapter 10.

Thank you for your comment. No written change required.

A printing error occurred on the shoreline maps on pages 370 to 373 of the P/DEIS. Although, correction sheets were sent to everyone who was mailed a copy of the P/DEIS, it appears from your comment that you did not receive a copy. We regret that you did not receive those correction sheets. The printing error has been corrected in the P/FEIS.

8. Comment regarding shoreline change and erosion map, data, and analysis.

Thank you for your comment. Change noted.

Similar shoreline and erosion data and analysis discussed in this comment has been conducted by the State of Indiana; however, it was not originally included in the P/DEIS because it is not relevant to the document's purpose. Chapter 10 of the program document provides an analysis of those areas of Indiana's shoreline that are subject to high erosion, dune bluff height classification for each reach, and the method of shoreline protection for each reach.

To address several of the points in this comment, a new appendix was added to the document to explain coastal processes along Indiana's Lake Michigan shoreline. Appendix G: Coastal Processes Affecting Indiana's Lake Michigan Shoreline provides information on: the wave and current regimes of Lake Michigan, wave climatology, storms and Lake Michigan, coastal protection and structures, and shoreline change over time.

A sentence was added to Chapter 10, in the section "Assessment of the Effects of Shoreline Erosion" to address the comment concerning methods of evaluating shoreline projects. The added sentence is as follows: "The Coastal Situation Report contains a complete listing of sediment transport volume, wave refraction, cumulative dune bluff recession and accretion for all sections of Indiana's shoreline. The DNR Lake Michigan Specialist utilizes this information to evaluate the impacts of existing coastal structures and the potential impacts of proposed coastal structures." A footnote reference provides a citation for the Coastal Situation Report.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

REPLY TO THE ATTENTION OF:

NOV 05 2001

B-19J

Mr. John King, Chief  
Coastal Programs Division  
National Oceanic and Atmospheric Administration  
SSMC4, Room 11537  
1305 East-West Highway  
Silver Spring, MD 20910

**Subject: Comments on the Draft Environmental Impact Statement for the Indiana Lake Michigan Coastal Program**

Dear Mr. King:

The U.S. Environmental Protection Agency Region 5 (U.S. EPA) has reviewed the joint National Oceanic and Atmospheric Administration (NOAA)/Indiana Department of Natural Resources Draft Environmental Impact Statement (DEIS) for the **Indiana Lake Michigan Coastal Program in Lake, Porter, and La Porte Counties, IN**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. The CEQ's number for this DEIS is 010349.

The proposed action in the DEIS, Alternative 1, is approval of the Indiana Lake Michigan Coastal Program (LMCP), which was designed to meet the requirements of the Coastal Zone Management Act (CZMA) of 1972. The CZMA requires states to evaluate coastal resources needing protection or management; create and refine management policies that are specific, comprehensive, and enforceable; determine specific uses and areas subject to the coastal program; identifies inland and seaward areas subject to the program; considers national interest in siting larger-than-local facilities; and has enough legal authority and infrastructure to implement and enforce the program. NOAA's approval of the program would allow Indiana to receive federal grant assistance for program implementation, and would require that federal actions in the coastal zone be consistent with the program. Grants would be for feasibility studies and engineering reports; protection and preservation of significant coastal resources; management of development to prevent losses in flood hazard and erosion areas; setting priorities for diverse uses; increasing public access, improving the efficiency of governmental decision making; redevelopment of waterfronts and ports; and, other purposes approved by the

Director. Alternative 2, the No-Action Alternative, would deny federal approval of the program. Alternative 3 would delay approval pending Indiana's improvement of its proposal (i.e., development of an organizational structure capable of implementing the coastal program.)

Impacts of the DEIS's proposed action, Alternative 1, are considered to be beneficial. The benefits are described as follows:

- ❖ Improved regulation and enforcement,
- ❖ Balanced coastal community development,
- ❖ Improved economic development for water dependent uses,
- ❖ Better natural resource and hazardous areas management,
- ❖ Improved coordination between governments and with the public,
- ❖ Added consistency of federal projects coastal program through Indiana's review, and
- ❖ Consideration of national interests in decision making.

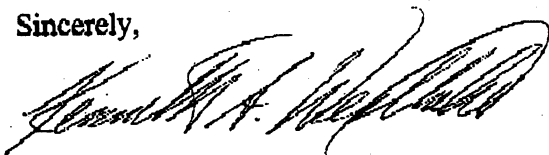
Having reviewed the DEIS, U.S. EPA rates the document **LO, Lack of Objections**. Please see the enclosure for a description of U.S. EPA's ratings. An LO rating indicates that our review has not identified any potential environmental impacts that require substantive changes to the preferred alternative. Overall we believe that the program and DEIS are positive steps in the long-term management of southern Lake Michigan's coastal resources. U.S. EPA encourages NOAA to place an LMCP emphasis on creating policies that guide proactive or adaptive management responses to contaminant issues affecting water quality; control of invasive species; and to trends in public health threats (e.g., beach closures and consumption of contaminated fish. In keeping with the CEQ guidance in "NEPA's 40 Most Asked Questions," we also encourage NOAA to publically circulate potentially controversial environmental assessments that tier off of this EIS.

We also have the following, mainly editorial, comments on the Coastal Program document and DEIS:

- ❖ Page 123, 136, and 484: The final EIS (FEIS) should mention the requirements of the Beaches Environmental Assessment and Coastal Act of 2000.
- ❖ Page 126: NOAA should highlight the need to coordinate with the Lake Michigan Lakewide Management Plan.
- ❖ Page 154: Diversion of Water should be updated to reflect new Water Diversion Policy proposals developed by the Great Lakes Commission.
- ❖ Page 172: There should be a mention of the Supreme Court ruling regarding isolated wetlands, emphasizing the need for the state to review their regulations and authorities regarding this decision.
- ❖ Page 484, first paragraph, line 3: It was the International Joint commission that designated 43 areas of concern in the Great Lakes Basin.

We appreciate the opportunity to review the DEIS. Please send only two copies of the final EIS to this office at the same time it is officially filed with our Washington, D.C. Office. If you have any questions, please call Rosalyn Johnson of my staff at (312) 353-5692, or send email to [johnson.rosalyn@epa.gov](mailto:johnson.rosalyn@epa.gov).

Sincerely,



Kenneth A. Westlake  
Chief, Environmental Planning and Evaluation Branch  
Office of Strategic Environmental Analysis

Enclosure (1): Summary of Rating Definitions and Followup Action

## SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION\*

### Environmental Impact of the Action

#### LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

#### EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS state, this proposal will be recommended for referral to the CEQ.

### Adequacy of the Impact Statement

#### Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment

**WRITTEN COMMENT #39:** Kenneth A. Westlake, Chief, Environmental Planning and Evaluation Branch, Office of Strategic Environmental analysis, U.S. Environmental Protection Agency  
Nov. 19, 2001

**Response to Comments:**

1. Comment regarding requirements of the Beaches Environmental Assessment and Coastal Act of 2000.

Thank you for your comment. Change noted.

References to the Beaches Environmental Assessment and Coastal Act of 2000 were added to the P/FEIS in the areas indicated.

2. Comment regarding coordination with the Lake Michigan Lakewide Management Plan.

Thank you for your comment. Change noted.

The LMCP recognizes the importance of coordination with the Lake Michigan Lakewide Management Plan. A statement reflecting the need for coordination was added to the P/FEIS in the area indicated.

3. Comment regarding new Water Diversion Policy of the Council of Great Lakes Governors, developed by the Great Lakes Commission.

Thank you for your comment. Change noted.

An addition to Chapter 5 Section 4: "Water Quantity" under the section, "Divisions of Water", was made that discusses the June 18, 2001 supplemental agreement to the Great Lakes Charter concerning water diversion signed by the Council of Great Lakes Governors.

4. Comment regarding Supreme Court ruling on isolated wetlands and need for state review of regulations and authorities regarding this decision.

Thank you for your comment. Change noted.

Additional text was added to Chapter 5 Section 5 "Natural Areas, Fisheries, Wildlife, and Native and Exotic Species" under the section "Filling, Dredging, and Alteration of Wetlands and Special Aquatic Sites" that discusses the Supreme Court ruling on isolated wetlands. Also included is a description of Indiana's response to the decision and plans to develop a state permit system for water bodies affected by this decision.

5. Comment regarding correction to page 484, first paragraph, line 3.

Thank you for your comment. Change noted.

The line was corrected to read: "The International Joint Commission has established 43 Areas of Concern for the Great Lakes basin in the United States and Canada."



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH  
1315 East-West Highway  
Silver Spring, Maryland 20910

NOV 19 2001



MEMORANDUM FOR: John King  
Acting Chief, Coastal Programs Division

FROM: David L. Evans *L/E*

SUBJECT: Review of the Indiana Lake Michigan Coastal Program  
Document/Draft Environmental Impact Statement

Thank you for the opportunity to review the Indiana Lake Michigan Coastal Program Document/Draft Environmental Impact Statement.

The result of our review is that NOAA Research has no comments on the proposed Indiana Lake Michigan Coastal Program Document/Draft Environmental Impact Statement.

THE ASSISTANT ADMINISTRATOR



**WRITTEN COMMENT #40:** David L. Evans, NOAA Research, U.S. Department of Commerce  
Nov. 28, 2001

**Response to Comments:**

Thank you for your comments. No written change required.



## **RESPONSE TO ORAL COMMENTS: OCTOBER 1, 2001 PUBLIC HEARING**

### **ORAL COMMENT #1: Bill Theis, Pines Township Trustee**

#### **Summary of testimony:**

I appeared at your June meetings and had a very large stack of responses that was opposed to Coastal Zone Management. Those are not included despite the promises by everybody in this room. I also turned in resolutions by various government organizations including the Commissioners of LaPorte County and Porter County. The response in the book was, well, that was comment on something different. No. It was comment on Coastal Zone Management. You can call it what you want. Those people oppose Coastal Zone Management. You can call it Lake Michigan Protection and this and that. The bottom line is those letters are opposing Coastal Zone Management. This lays the groundwork to institute Coastal Zone Management. I prepared a statement for tonight. Why bother. Broken promises, you're not going to include any opposition anyway. When you did it in '95, you didn't put them in. There was a second resolution asked by Beverly Shores on this June document opposing. That's not included in there. If you're just going to bury any letters of opposition, why even bother. I'm not going to waste my time with this group.

#### **Response to Comments:**

Thank you for your comments. No written change required.

The testimony provided by Mr. Theis at the June 26, 2001 public meeting on the LMCP Scoping Document 2001 was included on page 438 of the Lake Michigan Coastal Program and Draft Environmental Impact Statement (P/DEIS). The testimony included both Mr. Theis statements and the letter read as part of public comment. In addition, written comments submitted by Mr. Theis were included on page 454 of the P/DEIS. The program development history is described in Chapter 6: Program Development and Coordination from pages 317 to 318, in which the opposition discussed by Mr. Theis is described. The DNR did not receive an opposition resolution from Beverly Shores on the June 2001 Scoping Document.

Copies of all the petition letters submitted by Mr. Theis were not included as comments on the June 2001 Scoping Document for the Indiana LMCP. As noted in the P/DEIS, these letters were part of a previous effort and not within the scope of this public input process. However, Mr. Theis' comments were considered and, as stated on page 454 of the P/DEIS, upon review of the material submitted it was noted that many of the written statements did not support a coastal zone management program when they were written (approximately in 1995).

## **ORAL COMMENT #2: Tim Morgan, Superintendent, LaPorte County Parks Department**

### **Summary of testimony:**

Tim. LaPorte County Parks Department Representative Superintendent. I just have a question about the types maybe for NOAA. The types of grants that you've seen awarded throughout the states that you administer to we're very interested in any and all types of grants, the things that you talked about, the things that I've talked to Ms. Kintzele about. They all seem like great opportunities. We've been able to build in our community most of the parks through grants and cost sharing and that type of stuff, and we feel very fortunate and would support anything that would benefit the citizens of LaPorte to improve facilities and natural resources, etc. I just want to go on the record on part of the parks department for that. We do have four county park properties that lay within the watershed. We have Minkies property, which is just south of Winter Green Woods. The newly acquired property that our park foundation holds I guess is part close to the east branch of Trail Creek. We also have Creek Ridge County Park we lease from the State of Indiana. That's the west branch Trail Creek. We have Red Mill property and County Park combined now which has host to Little Calumet headwaters and Nature Preserve, which is part of Little Calumet River, and we also have Minkies property which is part the Little Galena River. It runs throughout that property. So we're very interested in Coastal Management as well as what the grant opportunities are, and how we can be a part and play a role, either myself or my board, in helping shape the grant process and what goes into the criteria and how that's going to all play out. I guess in specific Red Mill Park property has an aging dam, that's a problem not only in Indiana but throughout most of the states. Is there money available that we might be able to direct problems of an aging dam repair work, etc. that helps the watershed? Indirectly, it helps recreation and the impoundment is still there. Fishing is provided, but it also helps the watershed as far as the DNR is concerned that maintains the water level that's present. I mean its both sides of the coin in this case this property

### **Response to Comments:**

Thank you for your comments. No written change required.

The Coastal Grants Program will accept applications for projects that meet the following objectives, detailed in Chapter 7 of the program document.

- The preservation or restoration of specific areas of the Coastal Program Area that are identified in the LMCP for their conservation or ecological values.
- The preservation or restoration of areas that contain one or more coastal resources of state or national significance.
- The prevention, reduction or remediation of nonpoint source pollution that affects coastal natural resources.
- The preservation or restoration of specific areas of the Coastal Program Area that are identified in the LMCP for their recreational, historical, or esthetic values.
- The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated as Areas of Particular Concern in the LMCP.
- The provision of access to public beaches and other public coastal areas and to coastal waters.

Chapter 8: Coastal Areas of Significance identifies coastal areas of significance for their conservation, ecological, recreational, historical, and esthetic values; in addition, urban waterfronts and ports are discussed for their redevelopment potential.

## **RESPONSE TO ORAL COMMENTS: OCTOBER 3, 2001 PUBLIC HEARING**

### **ORAL COMMENT #1: John Henoff, Perch America**

#### **Summary of testimony:**

I'm John Henoff from Perch America. I see your Coastal Plan here. There's a grass that seems to be growing throughout this entire area. Maybe you see up and down the roads, ten to fifteen foot tall, see where a semi can plow into it. And it's spreading up and down through all of the wetlands. It covered up all of the natural cattails and spreading throughout. I spoke to the DNR about this before I don't know why this grass isn't terminated or a study done on how to get rid of it. I don't know if people notice it. I notice it everywhere. You see the seed heads on it. It covers up lakes. It seems to be growing up and down all state roads. It's an exotic grass that doesn't belong here it's from China. And there needs to be something done about it. Because I grew up with cattails around and there's swamps that are just vastly disappearing. And with that the birds that were here are going to leave, the fish, the animals. So I'd like to see something done about it. Thank you.

#### **Response to Comment:**

Thank you for your comments. No written change required.

**ORAL COMMENT #2: Jay Allen Johnson, Purdue Calumet**

**Summary of testimony:**

I'm Jay Allen Johnson and I'm with Purdue Calumet and I want to go on record as supporting the Advisory Task Force that was stated and with the caveat that, I think, is very important that Task Force be representative for people of the diverse background. I think that the Advisory Board tends to overlook that sometimes.

**Response to Comments:**

Thank you for your comments. No written change required.

The LMCP recognizes the importance of diversity of representatives for the stakeholders advisory group. This will be considered during the formation of the advisory group. Additionally, Indiana Civil Rights Laws state that it is policy of the State of Indiana to provide all its citizens equal opportunity and that it is unlawful to discriminate.

**ORAL COMMENT #3: Bob Porph, DNR Division of Fish and Wildlife**

**Summary of testimony:**

My name is Bob Porph. I'm with the Fish & Wildlife for the DNR. And I've been dealing with wildlife and habitat for the last twenty odd years of my career. And the common problem for accomplishing great tasks is a lack of funding. And I'm fully supportive of this program knowing full well that wildlife, wildlife habitat and our children years down the line will benefit from this grant.

**Response to Comment:**

Thank you for your comments. No written change required.

**ORAL COMMENT #4: Sandy O'Brien, Duneland Sierra Club**

**Summary of testimony:**

Hi, I'm Sandy O'Brien, a member of the Duneland Sierra Club. I wanted to have more time to study the document, but anyway on Page 35 you missed John Robinson's meeting of developmental discussions, you could add that in there. And the first comment he was talking about phragmites, that really tall grass that's taking over all of the wetlands and everything. And I know that it's bad. We should be working on it by not necessarily blitzing the air with herbicides, but working on it. And I would say that I'm firmly in support of the DNR joining a Coastal Management Program.

**Response to Comments:**

Thank you for your comments. No written change required.

**ORAL COMMENT #5:** Vollie Riskin, League of Women Voters, Calumet area.

Summary of testimony:

I'm Vollie Riskin and I'm from the League of Women's of the Calumet area. And I also represent the Inter-League group of women voters. That's a group of several different leagues of women voters around Lake Michigan. That is Wisconsin, Illinois, Indiana and Michigan. We support a Coastal Management Program and we want Indiana to participate with the other thirty-three states our territories to develop and participate in this program. And I'd like to know what group would apply and how would it go about it if they were--if this plan is approved and they want to get some of the \$900,000 that may be available to them.

Later Oral Comment:

Thank you for the public meeting and the openness to comments and questions. I appreciate the chance to comment. I want Indiana to participate in the LMCP.

**Response to Comments:**

Thank you for your comments. No written change required.

Eligible recipients of funds are state, local, area-wide, regional, or interstate agencies. Nonprofit organizations are eligible to apply for non-construction/non-acquisition projects as grantees. They may partner with a public entity to perform some or all of the eligible construction or acquisition projects. The Coastal Grants Program will hold an annual competitive application process during which eligible recipients will be able to apply for grant funds.

#### **ORAL COMMENT#6: Kimberly Jones, East Chicago City Planner**

##### **Summary of testimony:**

Good evening everyone. My name is Kimberly Jones and I am a resident of East Chicago and also East Chicago City Planner. And, I guess, I want to comment a little bit on this comment as far as the Stakeholders Advisory Group. What's the makeup of that Advisory Group? And what does it--who will it consist of? Is it local government, nonprofit organizations, state government? Who's a part of that group?

##### **Further Oral Comments:**

I'd like to go on record to say that we also support this Federal Program as well as some from municipalities looking at how we can if, you know, if we're awarded and we have this opportunity to be a part of this Federal Program, how the municipalities could work with this stakeholders group and the state in implementing some of the plans that have come out of this EIS into our overall community comprehensive language planning. We need to address those areas as well in our respective communities.

I also see that we need to include some of the industries that basically surround it by our lakefront and our shoreline. I wonder if any contact has been made with the municipalities to come to a meeting like this to find out about why they're not representing--finding out more about it if they would.

##### **Response to Comments:**

Comments noted. No written change required.

The DNR will form a stakeholders advisory group to provide input on the Coastal Grants Program. The membership of the advisory group will be representative geographically as well as representative of interests in the Coastal Program Area. The membership on the advisory group has not been determined yet by the state. However, public input on this issue will be considered and the stakeholders advisory group will be formed upon approval of the LMCP.

During the 2001 scoping process, the DNR met with several local agencies and municipalities to discuss the LMCP and gain their input on local participation and potential partnerships. Overall, these local agencies and municipalities indicated their interest in participating in the implementation of the LMCP. It was also indicated that partnerships with the LMCP could assist in their efforts to manage coastal resources including efforts for natural resources protection, recreation, revitalization, and economic enhancement. In addition, several local agencies have participated in public hearings and submitted comments on the P/DEIS.



## RESPONSE TO ORAL COMMENTS: OCTOBER 4, 2002 PUBLIC HEARING

### ORAL COMMENT #1: Herb Read, President, Porter County Izaak Walton League

#### Summary of testimony:

My name is Herb Read, I am president of the Porter County chapter of the Izaak Walton League. The Izaak Walton League is a nationwide conservation group that's been in existence since 1922. It has state divisions and local chapters and our current state president lives here in Portage and he is here in the audience. I am also vice president of a Coffee Creek Watershed Conservancy and I will explain in a few minutes how that might fit into the overall picture. First of all, I would say that I have had an opportunity to briefly review the draft environmental impact statement and read the comments and I'd like to mention a few minor typos, housekeeping matters. They spelled my name wrong, its R-e-a-d and they spelled Izaak wrong, it is I-z-a-a-k. Hopefully those are the only two I have found so far. As before I would say that our organization is solidly behind this program for the benefits that may improve our objectives and conservation. I particularly am pleased that emphasis was given to the river ways which drain the watershed because you can't keep a clean Lake Michigan shoreline unless you have clean tributaries and that is where we, and possibly the Coffee Creek Watershed Conservancy can contribute. We own, through the donation of a land developer, a piece in Chesterton approximately 175 acres along Coffee Creek. Coffee Creek in turn drains into the Little Calumet River, which in turn, of course, enters Lake Michigan by the Burns Ditch right out here next to us. Our Conservancy has a paid staff and we recently received a grant through the 319 program to prepare a study or a master plan for the entire Salt Creek Watershed, considerable size area, and this is a two-year program, so we are just into the first six months or so. We have had two public meetings, purpose of which is to prepare recommendations for the Coffee Creek Watershed and, of course Coffee Creek is within our watershed area that we are speaking about tonight, working through voluntary agreements with private landholders along the shoreline. We also anticipate that we will be able to use our lands as matching funds for an additional fund in which we hope to purchase additional shoreline—I should say river way shoreline along the area of either Salt Creek, Coffee Creek, or Little Calumet. Did I say the Salt Creek Watershed? This is Coffee Creek Watershed. Salt Creek also goes into this and there is another little tributary, Sand Creek, I am talking about Coffee Creek, although we may take advantage of our purchase ability in anyone of those creeks which feed into Lake Michigan. I would call attention to new legislation that was passed by the State. I think there is a brief mention of it in the Draft Environmental Impact Statement, which may offer the opportunity to develop brownfields, primarily in Lake County either for new industrial use and/or recreational use. If that gets funded, which I don't think it is at the moment, but if it does it offers an opportunity. Finally I must say that none of this will go any where unless its implemented and as I see the plan calls for a committee of what you call stakeholders and what they do will determine whether or not this is successful, at least from our point of view. I had some experience with committees that are set up for this, of course, the state, every town gets its representative, almost every industry gets its representative and usually there is one representative of the conservation community and he or she is always out voted. So I hope that when this is put into place that we get enough input that we can make our views known. If there is anything else in the way of comments after I read the whole draft environmental statement I'll send them in, thank you.

#### Later Oral Comments:

I'll pass if there is somebody who hasn't spoken. Point of clarification on some things, the staff of the Coffee Creek Watershed Conservancy is paid by an assessment made to the people who buy property in the development. That's not government funds. The staff of the Save the Dunes Council comes entirely from

membership dues and private donations and endowments, not one cent of government funds from any layer whatsoever. Now, most of the points that have been brought up by the STOP people, and they are all members of the STOP group, I guess, has been dealt with in the draft Environmental Impact Statement. All I have to do is read it. The difference between the current situation and the 1995 plan was it is discussed as a response in the draft Environmental Impact Statement, I read it. Now, they mentioned shoreline erosion. We do have, of course, shoreline erosion both natural causes and manmade causes. I think if--I have been trying to find a solution to the shoreline erosion problem for forty or fifty years and some of these people who are objecting to this program weren't around and I was just wondering where they were. I sure could have used their help when I was trying to lobby to get solutions to the problem. Um, the Corp of Engineers, by the way, have begun to learn some lessons from erosion along rivers, at least the Mississippi. If people are foolish enough to keep building hard structures in an area that repeatedly is subject to flooding or erosion and then they demand that the taxpayer bail them out each time, that's not a very sensible thing. So the Corp is now, in some cases, at least they find it is certainly cheaper to pay the people, buy the people out and move them to higher ground. Now, that doesn't have a direct association with the erosion along Lake Michigan, but if somebody does build too close to the lake and it is subject to repeated erosion, they shouldn't be there and I have--I don't feel sorry for them if their house gets washed away under those circumstances. Um, whenever reference to a petition drive at the last CZMA situation some years ago, well, a petition that obtained signatures is a misrepresentation that's limited value and I think you understand what that is. One of things that they tried to push all the time is that the government was going to go in and condemn their lands and not pay them for it. Sometimes they even made that claim, without compensation, I think I heard the term here. The environmental community has a very small paid staff no matter what organizations it is and they get paid about one tenth or one 100th of what the lobbyists for big industries get paid. That's the reality of it and yet they are doing it because they love the environment, they love our land and our water and they do it because they feel that it's worth the cause. The cause is worth trying to struggle along on small amounts of money. So as far as the environmentalists get paid, I say they don't get paid enough and as far as non-governmental organizations like the ones that have been mentioned, they are all registered with the state. Their books are open, their records are open, their financing is open. that's more than what STOP people can say. Thank you.

#### Later Oral Comments:

Thank you, Mr. Chairman. I won't say anything about how you recognize people who didn't even get up here. The only observation I would make here is that all this fussing and fuming about money are people who don't want the program any way. So they might recognize that, and Pauline, I would like to see this in the paper, the project, as I understand it, the project would originate from recommendations from people in this area any way. It would go before we--state stakeholders' committee for review whether it is consistent with the purpose of the act--To see if, again, whether the project is consistent with the purposes of the act and then NOAA with the same things. Now the only time one would have to choose if there are projects--more projects proposed than there is money available for. So if there is only one proposal and money for one proposal the choice, assuming that it meets the purposes and the law, it will be approved. It will be approved assuming the money is there and it doesn't violate the law; am I correct so far? Now, if, as often happens, there isn't enough money for the various proposals, and I think everybody--there will be a lot of people with a lot of good proposals, that's when somebody has to pick and choose. And I am concerned about it, too, but I don't know what any alternative is. The selection has to be ultimately in the hands of the elected officials of the county and the state. I don't know any other way that it can be done and I am willing to live with that. And I think the things that down state is basically interested in is picking and choosing, get it done up here and not come down and be a big squabble down there.

#### Response to comments:

Thank you for your comments. No written change required.

**ORAL COMMENT #2: Sharon Fee, STOP**

**Summary of testimony:**

I am Sharon Fee and I am a property owner and I am also a member of the STOP group, and STOP is Stop Taking Our Property. And I just want to make sure that on this advisory group that there are significant property owners that are sitting on this because they are environmentally conscious otherwise they wouldn't have this beautiful property the state is now looking at, the federal government was looking at ten years ago.

**Response to Comments:**

Thank you for your comments. No written change required.

The DNR will form a stakeholders advisory group to provide input on the Coastal Grants Program. The membership of the advisory group will be representative geographically as well as representative of interests in the Coastal Program Area. The DNR recognizes the importance of citizens and property owners in the coastal region. Although the specific process for nominations and selection has not been completed, the process will consider the many interests in the coastal region.

**ORAL COMMENT #3: unidentified speaker**

**Summary of testimony:**

I don't know if there is anybody else--is there anybody else here from Lake Station? Lake Station is having--is quite concerned. I live in Hobart and Hobart wants to put in a sewer system that's gonna drain right into this Deep River that will eventually go right into Lake Michigan, so they asked me to mention that. I don't know if they have probably contacted you or--here you're trying to clean up the lake and keep that nice and then a city adjoining is going to be putting a sewer right by the river there. Well, what do we do about it and what are the steps to be taken?

**Response to Comments:**

Thank you for your comments. No written change required.

The Indiana Department of Environmental Management is the agency charged with permitting wastewater treatment plant construction in Indiana. The LMCP does not alter the review process for specific projects.

#### **ORAL COMMENT #4: Dennis Showers**

##### **Summary of testimony:**

Sure, one comment, I know this was a hot item about five years ago and in glancing through this I make note of a paragraph in there that said there was public opposition and that--I don't remember exactly how it was worded that you were required to go back and renew that and somehow work in closer harmony with the local people, something like that. And I am just wondering is that what this is about? Has it been dressed up a little bit, has anything really changed? Why is it back again? What is different now than what we had in 1995? When--I think the final statement was, by the DNR that it was too much red tape and it was not going to be implemented so I guess I keep coming back to questions that I have, what's different today than we had in 1995?

##### **Later Oral Comments:**

One of my concerns is the funding and the comment that was made, the \$900,000 approximately will go to the DNR and then from there I guess the money can be disbursed to other organizations in this area. We have several environmental groups, Save the Dunes Council, Nature Conservancy, Shirley Heinze Fund, there is probably four or five of them. The bulk of each one of these--or I should say the nucleus of each one of these groups is made up of the same individuals and everybody--and as Mr. Read just eluded there is now the Coffee Creek Nature Conservancy of which he is a paid person.

Did you not just make that comment?

I am sorry, I misunderstood you. However, there is--this is a small nucleus of people who are paid to be on these groups and it seems to me that it's very self serving. They apply for and receive grants, they pay themselves salaries and that's what they do. And it perpetuates itself and these groups have a tendency to grow it seems, which I guess is okay if they want to buy property and donate it, I don't have a problem with that. But what I do have a problem with is that my tax money is given to them in the form of grants to pay their salary to come after my property which--

This is my opinion.

Because it has happened in the past, they are very instrumental in pushing environmental regulations and it's my concern that grant money will go to these local organizations to further their purposes.

##### **Response to Comments:**

Thank you for your comments. No written change required.

The history of Indiana's program development efforts is detailed in Chapter 6: Program Development and Coordination. From 1993 to 1995 several public meetings were held to gather public comments on Indiana's participation in the federal Coastal Zone Management Program. In the fall of 1994 and spring of 1995, support and opposition were voiced to participation in the federal Coastal Zone Management Program. In response, the DNR began an extensive public participation process to gain a better understanding of the various perspectives on the issues challenging the Lake Michigan coastal area in Indiana. This process resulted in the formation of the 1995 Northwest Indiana Public Workgroups and Blue Ribbon Advisory Panel. During this time of public outreach, the DNR did not develop, nor submit for public comment, a program document proposing a coastal

program for Indiana. Following the extensive public workgroup process, the DNR incorporated local priorities identified by the workgroups into the *Indiana Lake Michigan Coastal Program Scoping Document -June 2001*. This was the first document proposing a coastal program developed and released for consideration by the public. The proposed Indiana LMCP detailed in the *Scoping Document -June 2001* represents the culmination of extensive public outreach and participation from 1995 to its release.

Three public meetings were held in June 2001 and a public comment period was held to receive comments on the Scoping Document. The comments received and any resulting program changes were incorporated into the Lake Michigan Coastal Program and Draft Environmental Impact Statement (P/DEIS).

The Indiana LMCP is based on existing state laws. No additional regulations are proposed to participate in the federal Coastal Zone Management Program. In addition, the LMCP does not increase bureaucracy. The program organization, detailed in Chapter 4, is based on a network approach of existing state agencies and partnerships with local and federal entities. The Indiana LMCP will not alter the state regulatory or administrative structure.

The LMCP will make funds available for the Coastal Grants Program. Eligible recipients of funds are state, local, area-wide, regional, or interstate agencies. Nonprofit organizations are eligible to apply for non-construction/non-acquisition projects as grantees. They may partner with a public entity to perform some or all of the eligible construction or acquisition projects.

The Coastal Grants Program will accept applications for projects that meet the following objectives, detailed in Chapter 7 of the program document.

- The preservation or restoration of specific areas of the Coastal Program Area that are identified in the LMCP for their conservation or ecological values.
- The preservation or restoration of areas that contain one or more coastal resources of state or national significance.
- The prevention, reduction or remediation of nonpoint source pollution that affects coastal natural resources.
- The preservation or restoration of specific areas of the Coastal Program Area that are identified in the LMCP for their recreational, historical, or esthetic values.
- The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated as Areas of Particular Concern in the LMCP.
- The provision of access to public beaches and other public coastal areas and to coastal waters.

Chapter 8: Coastal Areas of Significance identifies coastal areas of significance for their conservation, ecological, recreational, historical, and esthetic values; in addition, Areas of Particular Concern for their value for redevelopment of urban waterfronts and ports are also discussed.

## **ORAL COMMENT #5: Mike Goin**

### **Summary of testimony:**

My name is Mike Goin. I am a resident of Miller on Lake Michigan. I also have a marina here in Portage, so I have a residence and as a business interest in Lake Michigan. I really am opposed to seeing another level of bureaucracy on the things that are done. And as this gentleman mentioned earlier and as the pamphlets and handout mentioned, there are all these organizations, all these state agencies, federal agencies that take care of virtually every aspect of life and business along Lake Michigan and I really can't see the reason for another layer of bureaucracy. The Corp of Engineers and the DNR--if you try to get a permit to do any work for my marina, for instance, the last time I talked to them it was six months for the State of Indiana, so -- and I doubt that these agencies are gonna give up any of their turf to make somebody happy on a commission such as this. The Coastal Zone Management thing several years back the money was gonna come in from the federal government but there was a huge local match that had to be put up to get that money and it's basically our money any way that we are sending to Washington. And we probably don't get our dollar back for every dollar sent anyway. So the 900,000 is probably gonna cost us a million five or something going out. I just--my main thing is another level of bureaucracy.

### **Response to Comments:**

Thank you for your comments. No written changed required.

The Indiana LMCP is based on existing state laws and does not create a 'commission'. No additional regulations are proposed to participate in the federal Coastal Zone Management Program. In addition, the LMCP does not increase bureaucracy. The program organization, detailed in Chapter 4, is based on a network approach of existing state agencies and partnerships with local and federal entities. The Indiana LMCP will not alter the state regulatory or administrative structure.

A stakeholders advisory group will be formed to provide input on the Coastal Grants Program. The advisory group will not have regulatory authority, but will serve as a representative group of local interests to provide input on the Coastal Grants Program.

As a state participating in the federal Coastal Zone Management Program, Indiana would be eligible to receive funds estimated at \$900,000. The funds would be awarded to the DNR, which is designated as the lead agency for administration of the LMCP. Following a three-year period, funds received for program administration will be required to be matched on a 1:1 ratio by the State. During the initial three fiscal years the match will be based on the following schedule: year one match is 4:1; year two match is 2.3:1 and year three match is 1.5:1. The State of Indiana may choose the total amount of funds requested annually for the LMCP up to the estimated \$900,000 limit. The State will accomplish the match for funds requested through the use of existing personnel salaries and other resources currently directed toward managing resources in the coastal region.

In addition, the LMCP will allocate a percentage of funds received to an Indiana Coastal Grants Program. Recipients of grants from the Coastal Grants Program will be required to provide a match. This match can consist of cash or 'in-kind' services. Cash includes salaries, project expenses, and purchase of equipment, supplies and other reasonable items associated with a project to be conducted with funds received from the LMCP. An 'in-kind' match includes the value for the use of equipment, supplies, land or other commodity already owned by the applicant or the use of items or staff donated by a third party. Receipt of funds from the Coastal Grants Program is voluntary.



## **ORAL COMMENT #6: Pam Belts**

### **Summary of testimony:**

My name is Pam Belts, landowner on the lake. And once again we have been all through this and it was voted down and I guess what bother me is they're talking about the draft that they have already made, we can make comments but it says that the final draft they will deal with comments then, which makes it too late for us to do anything. I believe the people and the government entities have--that are already controlling we can get a hold of and talk with, like the City of Gary, in which I live, why--I am asking the same questions everybody else it--why another layer of people possibly farther away from us that we have to appeal to again if a decision is made that nobody goes along with? How do we stop these things before every inch of the property, including that we live on, is regulated and ruled and we have no recourse, we don't even know the people we can get to talk with? They always seem to offer a draft, they let you talk, they don't make the changes.

### **Response to Comments:**

Thank you for your comments. No written change required.

The Final Environmental Impact Statement (FEIS) will be release to detail the comments received during the public comment period on the P/DEIS, provide responses to those comments, and to make publicly available the preferred alternative of the federal Office of Ocean and Coastal Resource Management concerning the approval of the Indiana LMCP. The public is able to submit comments on the FEIS. Once the public comment period on the FEIS is completed, the OCRM will issue a record of decision concerning their decision to approve or deny the Indiana LMCP as part of the federal Coastal Zone Management Program.

The Indiana LMCP is based on existing state laws and does not create a body or group with regulatory authority. No additional regulations are proposed to participate in the federal Coastal Zone Management Program. In addition, the LMCP does not increase bureaucracy. The program organization, detailed in Chapter 4, is based on a network approach of existing state agencies and partnerships with local and federal entities. The Indiana LMCP will not alter the state regulatory or administrative structure.

A stakeholders advisory group will be formed to provide input on the Coastal Grants Program. The advisory group will not have regulatory authority, but will serve as a representative group of local interests to provide input on the Coastal Grants Program.

## ORAL COMMENTS #7: George Smulka, Duneland Sierra Club and Audubon Society

### Summary of testimony:

My name is George Smulka. I live in Griffith, I am a member of Sierra Club and Audubon Society. There had been a lot of talk about impact of regulation on private property, impact of regulation of particular stakeholders. What I think is being lost in this discussion is the fact that the-- that Lake Michigan is a common resource that we all use. As of right now we have lost, for all intents and purposes, the fishing industries. Why is that? In my humble opinion, that's a failure in regulation. We are, at this point, under a fish advisory so that sport fishing is very seriously impacted. Why is this? Again, the amount of affluent, both airborne and waterborne, flowing into the lake has seriously impacted the health of the fishes which are used for sport fishing, again, in my humble opinion, failure of regulation. Thirdly, we have something called a mixing zone which allows a huge amount of affluence into the lake contaminating our drinking water. A great many of us use that, I don't think there are too many places around here that are still using wells primarily. As a matter of fact, a number of them have been contaminated due to the affluence of other people who don't really care for the common good. And there are more and more of us are being forced to use Lake Michigan as a source of water with the diminution in the lake levels. The relative effect of this pollution is being magnified, again, I think a failure of regulation. I could go on, as a matter of fact, I could probably go on for hours, but the point that I am trying to make is it is not, in my humble opinion, too much regulation, it is ineffective regulations. If this Coastal Management Program improves the quality of life in Northwest Indiana so much therefore, I support it. If it does not and it is simply yet another level of ineffective government, I will not support it. but as far as I am concerned right now, we don't have enough regulations because the ones that are there either are not working or are not being enforced. If this helps to enforce those regulations that are there, which is what you seem to be indicating it may do, then by all means let's get about it. But to cry and whine about individual impacts when the common good is being thrown to the wind is a ridiculous waste of time and a foolish attention to the wrong details, thank you.

### Later Oral Comments:

With some trepidation, I might make a comment on funding for environmental organizations. The gentleman that spoke has a very poor understanding of where most of the funding comes from. Most of the funding--I am not saying that there weren't grants, there are, but that is a minor portion. Most of the funding comes from donations and endowments of private individuals who are interested in supporting and furthering the best interest of all of the people in Northwest Indiana. These are not shadow organizations put forward by the government with mostly government funding, that's nonsense. No such thing exists. Secondly, the most recent speaker indicated there was a great deal of opposition. Well, let me take the other side, there was a great deal of support. If you're going to list the people that are in opposition, I suggest you list all of the people that are in support, which I think outnumbers the others by a huge margin. Thank you.

### Later Oral Comments:

What I hear is going to trouble me just a little bit. Many of the problems I see with respect to Coastal Zone Management are highly technical problems, distribution of sand, dune building, those sorts of things. Those are not really easily addressed opinions. And what you have told me at this point make me think that the projects that are going to be submitted are the ones that are going to be addressed and are going to be funded. I understand. Okay, That makes a lot more sense. What I am saying is that there are many levels of benefit for the local individuals is extremely important. I can understand that and effects to the local people is also really important but there are also county, state and national aspects to this. After all, the lakes are a national resource not just the State of Indiana's resource. All of those things have to be factored in and I was wondering how you

were going to invest those aspects of it and, in particular, engineering solutions are not cheap, neither are studies done by engineering companies. And \$900,000 isn't gonna go very far with that sort of thing. My opinion is very ineffectively, I feel, but that's an opinion.

**Response to Comments:**

Thank you for your comments. No written change required.

The Indiana LMCP is based on existing state laws. No additional regulations are proposed to participate in the federal Coastal Zone Management Program. In addition, the LMCP does not increase bureaucracy. The program organization, detailed in Chapter 4, is based on a network approach of existing state agencies and partnerships with local and federal entities. The Indiana LMCP will not alter the state regulatory or administrative structure.

The LMCP will support activities that improve government coordination and policy and decision-making in the coastal region.

The LMCP will establish a Coastal Grants Program to support local projects to achieve program goals. In addition, the LMCP will also seek other opportunities to develop partnerships among federal, state, and local programs to achieve program goals. The LMCP will pursue the award of Section 309 Coastal Zone Enhancement Awards as described in Chapter 7 page 325 of the P/DEIS, and other available funding, to continue to improve the program's ability to address key issues.

## ORAL COMMENTS: #8: Paul Panther, Town Council Ogden Dunes

### Summary of testimony:

Paul Panther with the town council of Ogden Dunes and overall I think we have a good feeling about this program. However, there is a friend of our town and a resident of our town who has given us some comments, his background is a professional or--at least a most concerned citizen in terms of environmental issues. Some of things I want to read here would be appropriate to know and perhaps to respond to and also DNR so bear with me for just a few minutes. Probably could, yes. (He is agreeing to give Ridenour a copy of the document he is reading from.) As this person understands it, therefore, how I understand the history of the program the Lake Michigan was being created in response to a federal government requirement that originates from the Coastal Zone Management Act. Under provisions of this act Indiana is required to submit the State's legal mechanisms which demonstrate effective management of our coastal resources. Many states have elected to implement a Coastal Zone Management program to meet the federal act requirements such as our program, the coastal program. As this information here suggests the Coastal Zone Management Act was developed in response to destruction of eastern sea coast developments, which were sited on known barrier islands. These islands were known to permanently migrate during major storm events such as hurricanes. The act set up a regulatory structure that prohibited development on these islands and similar stretches of coastline subjected of storm event erosion and ongoing littoral drift; is that fairly accurate so far?

That would be a question we would be concerned or least--If I could go ahead with this and share some of the other concerns here. The provisions of the CZMA have been applied to the Great Lakes Basin, even though the erosion conditions experienced on the ocean coasts do not occur within the basin. The government has drawn no distinction between ocean coasts and the remarkably different shoreline of the Great Lakes, using the CZMA as a one size fits all approach to coastal management, that's his interpretation of this problem with the program. While at a casual glance the program appears wonderful, several key questions along with Ohio's implementation of the program shows significant gaps and abuse of regulatory authority, which goes back to one of the questions earlier centering on taking of private property. Answering the following two questions quickly illustrates the flawed application that part of the CZMA this person is concerned with notwithstanding the many positives there could be.

In general, the question is: What problem is the CZMA trying to solve in the Great Lakes Basin and specifically what problem is the Lake Michigan Coastal Program trying to solve for Indiana? I think that was sort of stated earlier. Second question would be for erosion problems impacting Indiana today, how does implementation of the Lake Michigan Coastal Program propose to solve those problems? I have already seen in the commentary that as far as erosion goes, they are really not gonna deal with any large scale erosion issues. They can deal with small scale and those are in the commentaries back in Chapter 15 and preliminaries but if I could I would like to share the major concerns that's from Ohio. In Ohio the Ohio Department of Natural Resources is embroiled in a staggering legal and political battle where the ODNR used existing authority to reset the ordinary high water mark along Ohio's northern coast on Lake Erie using CZMA provisions. The ordinary high water mark is an elevation that is set by state and it determines the point of riparian water ownership along the waterway, forgive me if I don't pronounce that word right, property below the mark is state controlled and property above the mark is riparian controlled. The ODNR believed it was necessary to reset the mark to protect riparian property that had suffered extensive erosion damage. The damage, however, was not a natural occurring event but was rather caused by a combination of Army Corp of Engineer sanctioned coastal structures that interrupt natural littoral drift, near beach state-approved sand mining also that permanently removed sand from the near shore environment and an artificially raised lake level designed to facilitate, I guess, the Niagara River hydropower production and shipping issues. By increase the elevations of ordinary high water mark, the ODNR effectively

condemned many homes along the coastline either by including some land property or homes within the high water mark. Thus, private property below the mark was taken and homes which had the mark running through the house could not longer be sold. Here, Ohio's solution under CZMA provisions was to move private citizens off the shoreline and not fix the government sanctioned roots of the erosion. The prospect of the CZMA-inspired programs in the Great Lakes is that they allow government to fix government induced shoreline erosion problems by relocating private citizens without compensation, claiming emergency measures provisions of CZMA complaint programs.

While the general concepts presented under the Lake Michigan Coastal Program address issues that are important to citizens and the environment, recent events suggest that a potential of abuse, and that's the Ohio issue, not saying Indiana is doing that, if that is a true issue and that is something that Indiana needs to take a hard look at before they really get into this program. I think that's one of the suggestions here they wish to support it, it would be prudent to enact measures that protect citizens from situations such as those that are purportedly occurring and being experienced by Ohioans. Before supporting it, it is suggested that Indiana lake front communities should have a very clear understanding of why this is necessary and what problems it will specifically address. We will wish to protect and restore natural resources, prevent of loss of life and property in coastal hazard areas, improve public access, improve government planning and so forth. It is critical to know specifics of how these goals will be achieved. These are the comments that I thought were pretty appropriate since it's very hard to go through all this book and not know how 36 other states have utilized it or abused it or however you want to look at it.

#### **Response to Comments:**

Thank you for your comments. No written change required.

In response to intense pressure on coastal resources, including the Great Lakes, and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act of 1972 as amended (CZMA), (16 USC 1451). The program is administered by the Secretary of Commerce, who in turn has delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management (OCRM). The CZMA authorizes a federal program to encourage coastal states and territories to develop comprehensive coastal programs. Currently, 33 states and territories have coastal programs approved by NOAA. The CZMA affirms the national interest in the effective protection and careful development of the coastal zone, including the Great Lakes basin, by providing assistance and encouragement to coastal states to voluntarily develop and implement coastal programs for their state. Each state has the ability to tailor their program to address their unique coastal environment. For shoreline erosion issues, the CZMA requires, that a participating state implement a "planning process for assessing the effects of, and studying and evaluating ways to control, or lessen the impact of, shoreline erosion, and to restore areas adversely affected by such erosion". Action taken in Ohio concerning riparian (shoreline) ownership was taken based on Ohio state laws and policies.

The Indiana LCMP outlines how the state can participate in the Coastal Zone Management Program using existing state laws and programs. It does not create new zoning or other regulatory authorities. Nor does the LCMP change or take away decision-making authority or control from local government. Participation in the federal Coastal Zone Management Program will not alter the State's requirements for public participation in the development of regulatory authorities or policies that may arise independently from the LCMP.

By participating, Indiana will be eligible to receive federal funding to protect, restore, and responsibly develop resources in the lake Michigan region. This funding will be used to develop partnerships and local projects with local governments and non-profit organizations to address regional priorities.

One of the goals of the LMCP is to support activities that prevent the loss of life and property in coastal hazard areas. Chapter 10: Shoreline Erosion and Mitigation Planning of the LMCP document addresses coastal hazard issues on Indiana's shoreline and the existing methods the state uses to monitor and manage coastal hazards. The LMCP will work through the existing methods identified in Chapter 10 to enhance planning and management of coastal hazards. For example, the LMCP document identifies several options for enhancing coastal monitoring and planning that could be considered utilizing funding from the Coastal Zone Management Program. However, under the CZMA, federal funds cannot be used to finance large-scale erosion prevention structures. Therefore, federal funds cannot be used for beach renourishment or hard structure erosion control projects. Small-scale shoreline stabilization structures are allowed for the redevelopment of deteriorating or underutilized urban waterfronts or ports to provide for increased public use and access. Vegetative erosion control activities or planning activities for a beach renourishment project or non-structural erosion control project can also qualify. Despite the restriction on funding large-scale erosion control structures, the LMCP will be able to work cooperatively with state and local entities to improve our understanding and planning for coastal hazards and shoreline erosion.

The Indiana shoreline has been highly altered from natural conditions by man-made coastal structures. The shoreline can be divided into six distinct reaches separated in most cases by these man-made structures. Analysis of these reaches resulted in the identification of several high erosion hazard areas. Many of these areas are currently protected from erosion, however, the on-going maintenance and monitoring of shoreline erosion and protection is important for managing the erosion hazard and an important component of the LMCP. In addition, it is important to understand the coastal processes affecting these areas. The pattern of rise and fall of Lake Michigan is unpredictable, but there is no doubt there will continue to be significant changes in lake elevation. The storm events that occur during periods of high lake levels can cause the lake to have devastating impacts on the shoreline, sometimes regardless of the existing erosion protection. The LMCP identified high erosion hazard areas as Areas of Particular Concern in Chapter 8: Coastal Areas of Significance. Designation of Areas of Particular Concern will assist in prioritizing the allocation of funds for the LMCP and Coastal Grants Program, promoting interagency cooperation, providing technical assistance, and supporting research and local planning.

**ORAL COMMENTS #9: Unidentified #2, President, Porter County League of Women Voters**

**Summary of testimony:**

I am a Portage resident for some forty years. I am currently serving as the president of the Porter County League of Women Voters. I am here tonight because the league has for many years been very concerned with water quality both at the local and national level. This coming weekend an association where all of the league pays dues, the Lake Michigan Inter-league will be meeting in Benton Harbor and will be studying water quality, run off effluence source and non-point source pollution in the Benton Harbor, Berrien Springs area. I hope one of my league members can attend. I am not sure that any of them are able to, even though we are active supporting members of the group, but I think we need to look at the concern of the Lake Station lady and see how this group—this organization is being promoted can assist us in preparing a program ongoing for the preservation of the quality of the lake water. Many of us have only recently left our wells within the last five years and now receive our water from a commercial company, which this week informed me that they have been sold to a foreign European organization and also informed me that within the next three or four years it will be building a new water intake in Lake Michigan in order to provide my household with water. I think that alerted me again to the need to protect the quality of the water in the lake. Now if that's going to take more supervision from either my county government or my state government or indeed the national government, since that is what is in charge of Lake Michigan, then I for one am willing to work with that organization. I think the lady from Lake Station has raised a very valid question. One hopes that all of the existing Indiana legislation pertaining to the building management control of town and city waste disposal systems will be carefully adhered to if its done properly and with the proper supervision and regulation it will be all right. But we all need to be very alert to these regulations and be sure that they are carried out carefully and well for the benefit and for the health of our whole community and I think whether you're a paid, unpaid volunteer, ignorant, student or indeed a research specialist in this program we all need to work together because its our water.

**Response to Comments:**

Thank you for your comments. No written change required.

## **ORAL COMMENTS #10: Susan Showers, STOP Organization**

### **Summary of testimony:**

My name is Susan Showers. I'm a resident Liberty Township. I am also a property owner and a member of the STOP organization. I think one thing that kind of got in the way, what I want everyone here to understand is just because someone is against another layer of bureaucracy does not mean they are not concerned about the environment and the surroundings in Lake Michigan. We simply believe that there are, as you have stated there is already a numerous number of lawful regulations already in place. If there is flaws in there they need to be fixed but we don't need another layer of bureaucracy. Now I don't see where this plan is really much different than the Coastal Zoning Management plan that was presented in 1995. At that time the DNR decided that there was too much red tape involved and they dropped the program. I don't see where there has really been a lot of change since then. So I don't really see where we now have this hugely new and improved version of that program. It's really not all that different. At that time when that plan was presented in 1995, there were several local government agencies that passed resolutions opposing it. Several of the towns several of the county commissioners and there was a petition drive that was presented at that time of property owners and residents of the area. Now that was part of, I believe, their reference of there being mass opposition to their program back in 1995, which was part of the reason that it was dropped. Someone came to the June hearing and brought all these issues up. They were promised that it would be addressed and into the plan, all of this opposition to the program in 1995. However if you look at chapter 15 there was only a brief summary of there was opposition. It doesn't list the towns, it doesn't list the counties, it doesn't list the number of property owners. They signed a petition against it, so I feel like what they have decided to do because of the opposition back then, they are trying to gloss over it this time and rather than really showing how much opposition there is in the area, not only by property owners but local government agencies. They just wanted to hide it in these little summary notices in there. I really think it needs to be addressed better at the time you present whatever is gonna be a final draft. So please understand that no one is against protecting the environment, no one is against the fishing industry, no one is against cleaning up Lake Michigan. We simply feel that we don't need another layer of bureaucracy to do that. Everything is in place and just needs to be fixed.

### **Later Oral Comments:**

I will be very brief. I just want to comment that the answers given to the last two questions to me give prime examples of massive red tape. That was exactly the reason the DNR dropped the plan in 1995.

### **Response to Comments:**

Thank you for your comments. No written change required.

The history of Indiana's program development efforts, including opposition from private property rights activists and local councils and commissions, is detailed in Chapter 6: Program Development and Coordination. From 1993 to 1995 several public meetings were held to gather public comments on Indiana's participation in the federal Coastal Zone Management Program. In the fall of 1994 and spring of 1995, support and opposition were voiced to participation in the federal Coastal Zone Management Program. In response, the DNR began an extensive public participation process to gain a better understanding of the various perspectives on the issues challenging the Lake Michigan coastal area in Indiana. This process resulted in the formation of the 1995 Northwest Indiana Public Workgroups and Blue Ribbon Advisory Panel. During this time of public outreach, the DNR did not develop, nor submit for public comment, a program document proposing a coastal program for



Indiana. Following the extensive public workgroup process, the DNR incorporated local priorities identified by the workgroups into the *Indiana Lake Michigan Coastal Program Scoping Document -June 2001*. This was the first document proposing a coastal program developed and released for consideration by the public. The proposed Indiana LMCP detailed in the *Scoping Document -June 2001* represents the culmination of extensive public outreach and participation from 1995 to its release.

Three public meetings were held in June 2001 and a public comment period was held to receive comments on the Scoping Document. The comments received and any resulting program changes were incorporated into the LMCP and Draft Environmental Impact Statement (P/DEIS). All oral comments received during the scoping meetings were included in the P/DEIS.

The Indiana LMCP is based on existing state laws. No additional regulations are proposed to participate in the federal Coastal Zone Management Program. In addition, the LMCP does not increase bureaucracy. The program organization, detailed in Chapter 4, is based on a network approach of existing state agencies and partnerships with local and federal entities. The Indiana LMCP will not alter the state regulatory or administrative structure.

## **ORAL COMMENTS #11: Don Ewoldt, Lake Erie Land Company**

### **Summary of testimony:**

So it's a program that will encourage a couple different non-profits that we know. We have restored about a mile of Sand Creek and about two miles of Coffee Creek at a tremendous cost. With \$900,000, I could encourage a couple nonprofit groups around the Chesterton area to restore anywhere from between eight and 15 miles of stream for you. That would handle large-scale erosion and erosion problems and, you know, for \$80,000 a mile and buy land 100 feet on both sides of the stream at Coffee Creek. We did have an opportunity to go to the headwaters and do that, that's what I would encourage people to do, go to the head waters and work downstream. Start down at the bottom, you still have--most of your stream is contaminated, Coffee Creek, the water conservancy happens to be in the lower one-third of the watershed above that property that is still contaminating what we have done on our parcel there. But certainly the headwaters is the whole idea and do all the streams now with \$900,000 we can do between, like I said, between eight--depending on the cost of land we can buy the land (unintelligible) or we can pay that money for conservation easement people who want to still keep it in their ownership, but 100-foot above on both sides of the stream will go a long way towards handling the large scale erosion problem on all the [streams] treatment in Porter and Lake County. And \$900,000, you know, would take--probably take fifty years to do all the streams in the eastern county but at least it would be a good start and the impact it would have on the lake on the coastal, though, is that you wouldn't have all the contamination, you wouldn't close down beaches, we'd be multiplying that \$900,000 every year in added sales tax revenue and keeping the people here instead of closing beaches so.

### **Response to Comments:**

Thank you for your comments. No written change required.

**ORAL COMMENTS #12: Pauline Poprad, Chesterton Tribune**

**Summary of testimony:**

I want to get this on the record. I am Paulene Poparad with the Chesterton Tribune. NIRPC is a local metropolitan planning organization here and for transportation enhancement act funding--federal funding, they have to prioritize the project so they did earlier this year prioritize them. Two of the projects that were tested last year at NIRPC when they got to the DNR and then consequently the Governor's office, they were awarded one million dollar and \$5 million and the project above them didn't get anything. So I am wondering with the stakeholders' committee, if they can make a recommendation to the DNR, but they are not binding recommendations to the DNR, who will decide who gets the money? All I want is one agency, who decides, DNR or NOAA?

**Response to Comments:**

Thank you for your comments. No written change required.

The grant program referred to in the comment was administered by the Indiana Department of Transportation, not the DNR. For the Coastal Grants Program, the DNR will form a stakeholders advisory group to provide input and guidance. The stakeholders advisory group will consist of representatives from northwest Indiana and will be geographically representative as well as representative of the broad range of interests and experience in the coastal region. The Director of the DNR will conduct final review of applications for the state and forward selected application for final review by the Office of Ocean and Coastal Resource Management at NOAA.

### **ORAL COMMENTS #13: Unidentified #3**

#### **Summary of testimony:**

I have a question or comment on the kind--what strings are attached from the federal government? Let me give you an example. The City of Portage build a public marina down here, Portage Public Marina and they got Indiana water grants to put in launch ramps, bathrooms in part of the facilities in the bathhouse. I know about this because I ran that for five years. After we were open a couple years a team from Minnesota--federal team from Minnesota came down and looked for compliance to ADA aspects of the bathhouse, of the property in general. And they measured numerous things. I think there was forty to fifty discrepancies, most of them minor like a quarter inch off on the drinking fountain level, 3/4 of an inch off on the side lift on the toilet, things of that nature, what the-- the 84-inch height for parking signs for van accessible signs and things like that. And I am wondering what kind of strings are we looking at? Don't get me wrong I don't have anything against the ADA. I just--some things were rather--and the response to that the engineering plans were pretty accurate and it was a contractor that was not familiar with all the regulations and piles and piles of regulations like that--well, this looks good, we are off a half a degree on the sidewalk. It turns out--well, it looks good to my eye but that's mostly what it was. It was contractors that did not--it wasn't engineers.

#### **Response to Comments:**

Thank you for your comments. No written change required.

Participation in the federal Coastal Zone Management Program is voluntary. The LMCP is based on Indiana's existing state laws and does create any new regulations. Federal and state grant funding requires that publicly funded projects for public access provide access for the disabled. In addition, the availability and quality of handicap access is an important priority for the DNR. Grants from the Coastal Grants Program will require compliance with the Americans with Disabilities Act.